OMBUDSMAN ONTARIO

June 2001

Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Dear Mr. Speaker:

I am pleased to submit to you my Annual Report for the period of April 1, 2000 to March 31, 2001, pursuant to Section 11 of the *Ombudsman Act* so that you may table it before the Legislative Assembly.

Yours sincerely,

Clare Lewis, Q.C.
Ombudsman

Clare Lewis, Q.C.
125 Queens Park
Toronto, Ontario M5S 2C7
Telephone: (416) 586-3300
Facsimile: (416) 586-3485
TTY: (416) 586-3510
1(800) 263-1830 (English)
1(800) 387-2620 (Français)

The Ombudsman shall report annually upon the affairs of the Ombudsman's office to the Speaker of the Legislative Assembly who shall cause the report to be laid before the Assembly...

Ombudsman Act, S.11.

CONTENTS

Ombudsman's Message	1
Year in Review	5
Staff List	14
Complaints	15
Case Stories	23
Thank You Letters	44

Today

our mandate is reinforced.

"A just and civil society requires a system of government which whilst operating within the rule of law provides for a wider recognition of the need for accountability to citizens on whose behalf government undertakes its responsibilities. The institution of Ombudsman provides an effective accountability mechanism, which is now in place in more than 100 countries... the role of Ombudsmen (provides) a mechanism which can balance the fundamental requirement that governments must be able to govern but with appropriate accountability."

International Ombudsman Institute,
November, 2000

In my first annual report as Ombudsman tabled in the Legislature last year, I spoke of the breadth and complexity of the issues involved in administering the provisions of the *Ombudsman Act* and the challenges they would present to me as I began my term of office. This past year has proved to be one requiring considerable learning on my part as I have dealt with the myriad complaints which have come to this office and as I confronted the expectations of those members of the public complaining and of those public servants and programs complained against.

On a larger scale, I have become aware of the growth of the Ombudsman movement internationally as democratic governments have chosen to legislate and appoint Ombudsman for the purpose of providing the public with a means of redressing unfairness or error in the provision of government services. That movement is of sufficient size and importance that there is an association of Ombudsman worldwide known as the International Ombudsman Institute. During the year 2000, the Institute inaugurated a Chair for Human Rights at the University of Natal in Durban, South Africa and was recognized and commended by Dr. Nelson Mandela as "being crucial to giving substance to the development of democracy in our country".

Over the past thirty years most of Canada's provincial and territorial legislatures have created an Ombudsman as a critical component of ensuring government accountability in the delivery of services. The Newfoundland government, which some years ago had repealed its *Ombudsman Act*, has recently introduced a Bill once again to recreate the office, the absence of which has been seen as detrimental to open and accountable governance in that province. Ontario created this office in 1975 and in December 2000, I was privileged to host a celebration of the 25th Anniversary of the office of the Ontario Ombudsman. Of particular importance to that event was the presence of the Chief Justice of Ontario, the Honourable R. Roy McMurtry as the principal speaker since it was in his role as Attorney General of Ontario, that in 1975, he introduced and had carriage of the legislation which established the Ontario Ombudsman.

Over the past year, I have been much assisted by my Canadian counterparts whose experience and insight have been of considerable value. With them, I am a member of the Canadian Ombudsman Association and have been recently appointed as its Secretary. That Association has made representation to the Government of Canada in support of the creation of a federal Parliamentary Ombudsman; to the Government of Nova Scotia as it conducts a review of its agencies and other governmental bodies including the Nova Scotia Ombudsman; and to the American Bar Association as it finalizes its expression of support for the evolution of the Ombudsman model throughout the United States.

I have endeavored on an ongoing basis over the course of the past year to meet with members of the Legislature, the all-party Standing Committee on the Legislative Assembly, with diverse community groups and with a broad spectrum of senior and front-line public servants. Through visits to correctional facilities across the province, I have been able to learn about and make my presence known to those incarcerated as well as those responsible for managing these facilities. This sector forms a significant part of our caseload, in part because of the major restructuring the Ministry of Correctional Services is undergoing, in accordance with new government policies including privatization initiatives. All of these encounters have assured me of a greater understanding of my mandate and the expectations and limitations of my role.

In February, I had the pleasure of presenting eleven Ombudsman Awards to members of the Ontario Public Service who had, in the opinion of our staff measured against defined criteria, demonstrated outstanding public service in complaints resolution. Those persons represented four Ministries: Health and Long Term Care (Psychiatric Patient Advocate Office); Natural Resources; Community and Social Services (Social Benefits Tribunal); and Correctional Services.

In participating with my staff in choosing those who would be awards recipients I was, as I am in my daily complaints resolution work, reminded how very able most public servants are and how desirous they are of performing their service well. Mistakes

Most Ontario public servants, when made aware of error or unfairness are anxious to remedy the matter and therefore, a very large percentage of our complaints are resolved within a matter of days or weeks.

and even unfairness inevitably occur when such an enormous number of government services are provided and so many daily tasks are performed; only rarely, in my experience can these be attributed to ill will or malfeasance. Most Ontario public servants, when made aware of error or unfairness are anxious to remedy the matter and therefore, a very large percentage of our complaints are resolved within a matter of days or weeks.

An example of good public service and a quick resolution of complaint arose when over fifty community college students attended our office to file complaints about the delay in government certification of their college and its impact on their student loan applications. These students were unable to obtain the release of their student loans and had been placed in financial jeopardy as a result of the delay. Our staff processed all of these complaints in approximately two hours and through early discussions with the Ministry, the loans were released without further delay. While the issue of government certification of the college remains under review, matters such as these are a credit to my staff and to those public servants involved and give me much satisfaction as Ombudsman.

Much of the work of the Ombudsman generally and of this office in particular is conducted non-adversarially. While we are unable to provide the requested result to all those who complain to us, we are able to lift the veil on the process under complaint, to make its operation transparent and to provide considered attention to the issue. We are also able to address complaints not only individually but if they are representative of recurring problems, systemically.

Over the past several years this office has paid considerable attention to the performance of the Family Responsibility Office (FRO) of the Ministry of Attorney General. Through many complaints, a number of issues have arisen and many have been addressed successfully but this important office, which is charged with enforcing spousal and child court ordered support orders and collecting and disbursing funds has continued to experience severe service delivery problems. In my first annual report delivered in June 2000, I reported that I had withdrawn my predecessor's recommendations from presentation to the Standing Committee on the Legislative Assembly, in part as the information contained in the report upon which the recommendations were based was out of date.

I subsequently initiated an investigation on my own motion to examine the FRO's computer system in relation to client service impact. It became evident that the FRO's failure to meet previous undertakings to the Ombudsman with consequent continued inadequacy in service delivery, was the result of outdated and significantly ill-suited supporting technology which, in my view, must be replaced if the FRO is to meet its mandate effectively. As Ombudsman, I am unable to order government or its Ministries to do anything by way of remedy but I am granted the authority to make recommendations and if I deem it to be necessary, to advocate for changes. As set out in detail later in this report, I recommended that the Ministry of the Attorney General take all steps necessary to secure adequate resources to permit the FRO to meet its mandate. The Ministry responded positively to this recommendation and has sought from the Management Board of Cabinet the funding necessary to permit a full but time limited evaluation of the need for necessary repair. I am of the view that the existing computer system has met its limit in adapting to the FRO's needs and requires replacement. I have accordingly closed my file and will monitor the matter until a decision is made whether to undertake such consultation and if so, until the consultation is complete and any recommendations are made. At that time, I will consider my position.

The Ministry of Correctional Services has embarked on a pilot project involving privatization of one of its correctional facilities to be situated in Penetanguishene. Certain other privatization initiatives have resulted in the loss of Ombudsman jurisdiction and its attendant loss of accountability. Accordingly, I entered into discussions with the Ministry regarding maintaining the right of complaint to the Ombudsman by prisoners incarcerated in privatized facilities. The Ministry responded favourably by including

-2

provisions in the legislation enabling privatization and in the proposed contract with the private contractor to be chosen, in order to ensure that my full jurisdiction over complaints from inmates within the privatized facility is retained.

Concurrently, I have been addressing the internal implications of an office which has been previously downsized by some thirty percent and necessarily restructured to meet that reality, while facing unabated public demand for quality service. There is an ongoing examination and evaluation of our systems and processes to ensure the most effective use of our resources in delivering quality service. To that end, I have recruited a Director of Investigations and Complaints Resolution, a position held vacant as a result of the organizational downsizing.

At the conclusion of my first year in office and having developed a true understanding of the demands of the office, in concert with my staff, I have defined our strategic priorities for the next two years and shared that plan with the Standing Committee on the Legislative Assembly. This endeavour has been particularly timely, given our celebration of the twenty-fifth anniversary of the creation of the office. As Ontario's fifth Ombudsman, I am charged with building upon the achievements of my predecessors and with ensuring that our service meets current and future public and government expectations.

We intend to concentrate on making relevant and effective choices for investigations; to undertake a strategically positioned community education and outreach program that raises awareness of the office across the province and facilitates access to our service; to deliver core business outcomes against organizational standards and; to enhance human resources management in support of long term staff satisfaction and performance improvement.

Of particular concern to me as Ombudsman is our having noted the considerable under-representation of complaints from the Greater Toronto Area (GTA) at only fifteen percent of our province-wide complaint base. We are undertaking a pilot project to heighten awareness within the GTA of Ombudsman Ontario's role and are committing resources to achieve that goal. This pilot project will operate for one year with built-in planning, implementation and evaluation mechanisms. It will take some care to engage those who through socio-economic disadvantage often have the least awareness of or face the greatest barriers to accessing our service and may often have the greatest need.

In conclusion, I consider community education to be necessary because I believe that it is important for the people of Ontario to understand that the right to fair and equitable treatment by government is a fundamental part of the democratic process and that the office of the Ombudsman exists to help ensure that fundamental value is entrenched and acted upon routinely.

Clare Lewis, Q.C.
Ombudsman

Today...

"I was accountable for my actions."

This has been a year of tremendous change for Ombudsman Ontario... despite the uncertainty associated with a change in leadership, the work of the organization continued apace.

INSIDE OMBUDSMAN ONTARIO: NEW DIRECTIONS

Ombudsman Ontario continues to open its doors to other jurisdictions around the world that seek to learn from our investigative and information technology experience.

With the advent of a new strategic plan and the imprint of the new Ombudsman, a number of activities have been underway within the organization to support our new directions. The past year has seen several changes to Ombudsman Ontario staff. We have had a busy time of recruitment as a result of staff turnover through attrition, retirement and staff seeking other opportunities.

The Access Centre, which often acts as a feeder pool for promotional opportunities to the Ombudsman Representative position, has seen significant turnover and promotional opportunities for those staff members. We have also recruited a new Communications Manager, a Manager for the Corrections Unit and a Director of Investigations and Complaints Resolution. An additional Legal Advisor is currently being recruited to bolster our legal and policy capacity.

With the agreement of the Office and Professional Employees International Union (OPEIU), Ombudsman Ontario entered into a Memorandum of Understanding that provides bargaining unit employees the opportunity to act in management positions with no loss of seniority or other benefits upon their return to the bargaining unit position. This agreement provides staff with developmental opportunities and supervisory experience. Other methods are being sought to create such learning opportunities including job shadowing and the use of underfill positions.

The training program of the past two years has undergone evaluation and a new Needs Assessment has been conducted to ensure that staff skills are optimized and current. To that end, a new training program is currently in the works with some ongoing initiatives such as leadership development, dealing with stress and working effectively in teams. Our annual conference in November 2000 also provided us with an opportunity to both share information and learn from others.

We have now introduced the Intranet to Ombudsman Ontario and our computerized Case Management System continues to draw national and international attention. As this Annual Report goes to print, we are also installing a new telephone system for the office in order to provide better service to the public.

Our lease for our office space at 125 Queens Park in Toronto was renewed for a period of five years and our regional offices in Ottawa, Sudbury and Thunder Bay have moved to new locations that provide better access to the public. Our London and Sault Ste. Marie offices have remained in the same premises.

Ombudsman Ontario continues to open its doors to other jurisdictions around the world that seek to learn from our investigative and information technology experience. Over the past year we have had a number of Ombudsman delegations from various parts of the world including Bulgaria, Malaysia and Thailand. A Thai delegation of both investigator and information technology staff will be returning to our office in order to learn more about our systems and processes.

The Ombudsman of Namibia and the Public Protector of South Africa have requested that Ombudsman Ontario design a workshop on conducting effective investigations for the investigative staff of eight southern African Ombudsman offices. This workshop is coming to fruition at the same time as the Ombudsman for Ontario, Clare Lewis, was unanimously elected to the North American Board of Directors of the International Ombudsman Institute.

STATEMENT OF EXPENDITURE: FOR THE YEAR ENDED MARCH 31, 2001

Expenditure	00/01 Estimates $	00/01 Actual $	99/00 Actual $
Salaries and Wages	4,909,100	4,591,199	4,626,735
Employee Benefits (note 3)	1,009,400	956,245	1,002,006
Transportation and Communication	509,600	449,460	452,245
Services	1,405,900	1,480,633	1,404,615
Supplies and Equipment	272,800	627,178	295,974
Sub Total	8,106,800	8,104,715	7,781,575
Less Miscellaneous Revenue	0	25,430	10,545
Net Expenditure	8,106,800	8,079,285	7,771,030

See accompanying notes to financial statement.

Approved:

Ombudsman

NOTES TO FINANCIAL STATEMENT: MARCH 31, 2001

1. ACCOUNTING POLICIES

a) Basis of accounting

Ombudsman Ontario uses a cash basis of accounting which, in the case of expenditures, is modified to allow an additional thirty days to pay for goods and services pertaining to the fiscal year just ended.

b) Furniture, equipment and leasehold improvements

Expenditures on furniture, equipment and leasehold improvements are expensed at the time of purchase.

2. EXPENDITURE AND MISCELLANEOUS REVENUE

Expenditures are made out of monies appropriated therefor by the Legislature of the Province of Ontario. Miscellaneous revenue is deposited into the Consolidated Revenue Fund.

3. PENSION PLAN

Ombudsman Ontario provides pension benefits for all its full-time employees through participation in the Public Service Pension Fund (PSPF) established by the Province of Ontario.

Ombudsman Ontario's contribution related to the PSPF for fiscal year 2000/2001 was $264,546 (2000 - $338,030) which is included in employee benefits.

AUDITOR'S REPORT

Office of the
Provincial Auditor
of Ontario

Bureau du
vérificateur provincial
de l'Ontario

Box 105, 15th Floor, 20 Dundas Street West, Toronto, Ontario M5G 2C2
B.P. 105, 15e étage, 20, rue Dundas ouest, Toronto (Ontario) M5G 2C2
(416) 327-2381 Fax: (416)327-9862

To the Ombudsman:

I have audited the statement of expenditure of Ombudsman Ontario for the year ended March 31, 2001. This financial statement is the responsibility of that organization's management. My responsibility is to express an opinion on this financial statement based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, this financial statement presents fairly, in all material respects, the expenditures of Ombudsman Ontario for the year ended March 31, 2001, in accordance with the accounting policies described in note 1 to the financial statement.

Toronto, Ontario
May 4, 2001

J.R. McCarter, CA
Assistant Provincial Auditor

SALARY DISCLOSURE

The following list of those earning $100,000 or more in T4 income for the year 2000 is being reported in accordance with the *Public Sector Salary Disclosure Act 1996*.

Clare Lewis, Q.C.		Fiona Crean	
Ombudsman		Executive Director	
T4 Income	$135,576.91	T4 Income	$137,017.50
T4 Taxable Benefits	$1,871.00	T4 Taxable Benefits	$370.32

101-06296/

SURVEY DATA RESULTS

Ombudsman Ontario will use the results of the survey to help shape the delivery of our programs over the coming year, in particular community education and outreach efforts in the Greater Toronto Region...

The Ombudsman is committed to providing services that are responsive to the needs of the diverse communities we serve. In order to meet this goal, we survey complainants to get a better idea of who contacts the Ombudsman. The survey, which is voluntary, collects information about gender, age, race, disability, parental status, First Nations/Aboriginal status and household income.

This year's statistics reflected a drop in the proportion of complainants coming from certain demographic categories in our survey. Of note, the percentage of complainants identifying themselves as poor declined 5 percent from last year, going from 54 percent to 49 percent, while the proportion of respondents with a disability dropped from 32 percent to 29 percent. Also exhibiting a decline was the proportion of complainants who are sole support parents falling from 15 percent to 13 percent. The percentage of complainants who are women remained stable at 47 percent.

Excluding complaints from individuals about the Ministry of Correctional Services, the overall number of complaints about provincial organizations rose 2.8 percent this year from 7882 to 8099. As was the case last year, three ministries received the largest number of complaints: the Ministry of the Attorney General, the Ministry of Labour and the Ministry of Community and Social Services. These three ministries accounted for 54 percent of all non-correctional complaints, a decline of 4 percent from the previous year. Over 50 percent of complaints received by these three ministries were from people with low incomes and just under half (48 percent) were from people with disabilities.

Ministry of the Attorney General

The Ministry of the Attorney General accounted for just under a quarter (23 percent) of all non-correction related complaints. Women made up 49 percent of complaints against the Ministry. More than half of all complainants in the survey identifying themselves as sole support parents made their complaint against the Attorney General, an amount unchanged from last year. The high proportion of complainants who are sole-support parents and women is explained by the presence of the Family Responsibility Office in the Ministry of the Attorney General; it accounted for 17 percent of all complaints. Repeating a similar pattern from last year, almost 90 percent of women and over 90 percent of sole support parents making a formal complaint about the Ministry of the Attorney General had concerns with the Family Responsibility Office. Twenty-seven percent of provincial government complaints received from First Nations and Aboriginal peoples were about the Family Responsibility Office, an increase of 7 percent over the previous year.

Ministry of Labour

The percentage of complaints made against the Ministry of Labour declined slightly to 18 percent from last year's level of 19 percent. Individuals with disabilities accounted for 70 percent of the complaints directed against the Ministry of Labour. Largely unchanged at 69 percent as well was the percentage of men making a complaint about the Ministry. Within the Ministry of Labour, the Workplace Safety and Insurance Board accounted for 63 percent of all complaints about this Ministry, and repeating a pattern from the previous year the Board was the provincial agency receiving the second largest number of complaints overall at 11 percent. The number of persons with disabilities making a complaint about the Board remained almost unchanged at 78 percent.

Ministry of Community and Social Services

Twelve percent made up the complaints relating to the Ministry of Community and Social Services. Almost 77 percent of individuals with complaints about this Ministry were people with disabilities, while 85 percent identified themselves as poor. Just over 60 percent of complaints about this Ministry were about the Ontario Disability Support Program, a program that accounted for 8 percent of all complaints against provincial organizations.

Other Highlights

Two percent of this year's complaints came from youth. The distribution of complaints from youth was concentrated in several ministries, the Ministry of Training, Colleges and Universities (28 percent), the Ministry of Transportation (12 percent), the Ministry of Community and Social Services (11 percent) followed by the Ministries of Labour and the Attorney General both at 10 percent. As might be expected, almost 90 percent of complaints from youth about the Ministry of Training Colleges and Universities related to the Ontario Student Assistance Program.

Complaints from people who are seniors remained fairly stable at 7 percent. Among the ministries receiving the highest number of complaints from this group were the Ministry of Health and Long-Term Care and the Ministry of Labour.

Repeating a trend from last year, First Nations and Aboriginal peoples, though accounting for about 2 percent of Ontario's population comprised 4 percent of survey respondents. This overrepresentation is likely related to the fact that many First Nations and Aboriginal peoples live in northern Ontario, a part of the province where Ombudsman community education efforts are strong.

The proportion of survey respondents identifying themselves as racial minorities rose again this year to 8 percent. However, this group remains relative to their numbers in the province, underrepresented in Ombudsman Ontario's complainant base, given that they account for 16 percent of Ontario's population.

Ombudsman Ontario will use the results of the survey to help shape the delivery of our programs over the coming year, in particular community education and outreach efforts in the Greater Toronto Region, where over half of the province's racial minorities reside.

COMPLAINTS ABOUT US

For the past five years, Ombudsman Ontario has maintained a system for reviewing complaints from the public or government officials who are dissatisfied with the handling of their complaint by our office. By addressing such complaints, we ensure that we are meeting our goals of equitable and timely service, as well as providing an opportunity to improve our service delivery.

This year we received 33 complaints compared to 28 in the previous year and 54 in the fiscal year ending March 1999. Of the complaints received this year, two complaints concerned the delay or lack of contact with staff and 23 were about decisions or outcomes of complaints or investigations. Six were complaints about staff conduct, while two complaints concerned Ombudsman Ontario policy.

With respect to the two complaints regarding delay or lack of contact with staff, in one complaint, the Ombudsman sent a letter of apology to the complainant noting that the length of time was unacceptable. The second complaint is under review.

Of the 23 complaints received about decisions or outcomes of complaints or investigations, five were addressed by advising the complainant how their file was reviewed. The role of the Ombudsman was explained in three complaints. No further action was taken in three other complaints because no new information was provided regarding the original complaint. Two complaints concerned our review of decisions of administrative tribunals. The Ombudsman's role in reviewing such decisions means that our office does not re-adjudicate cases or issue substitute decisions, but rather examines whether an administrative process followed by a tribunal in rendering its decision was fair.

One complainant withdrew his complaint. Nine other complaints are at various stages of the review process.

We received six complaints about staff conduct and in each case the staff member involved was directed to address the concerns being raised. In one complaint, the complainant provided additional information that was further reviewed but did not alter the Ombudsman's opinion. In another complaint, the role of the Ombudsman in reviewing tribunal decisions was further explained. In another instance, we acknowledged our error and apologized to the complainant. Two other complainants were dissatisfied with the manner in which their complaint was handled by staff. Upon reviewing the matters, the Ombudsman responded by expressing his support for his staff's actions. One complaint remains under review by the manager.

One complaint was received regarding the Ombudsman's practice of not disclosing the contents of investigative files to complainants except for information provided directly to a complainant. In this case, the complainant was advised that Ombudsman investigations are to be conducted in private and consistent with the confidential nature of the office, the Ombudsman is not subject to the Freedom of Information and Protection of Privacy Act. A second complaint regarding the Ombudsman's policy of not disclosing information to third parties is still under review.

As reported in the 1999 - 2000 Annual Report, the Complaints About Us program was evaluated during this past year. In early 2001, staff undertook a review of our "Complaints About Us" policy and modifications were made to improve the program. Complaints received will now be classified into one of three categories: complaints about decisions, opinions and the disposition of a file; complaints about staff conduct; and complaints about organizational policies and procedures. Streamlining of the process has also taken place.

If you have a complaint about us, you are encouraged to discuss the complaint first with the Ombudsman Ontario staff member who has been dealing with your file. Complaints may also be directed to any member of the Investigations and Complaints Resolution management team, the Executive Director or the Ombudsman. Complaints may be forwarded to us in writing, by telephone, in person, by fax, TTY or visit our web site at www.ombudsman.on.ca.

GETTING THE MESSAGE OUT

Ombudsman Ontario communicates its message and purpose through a three-pronged approach that includes broad corporate communications, a more focused public education program and specifically targeted community-based efforts.

Ombudsman Ontario communicates its message and purpose through a three-pronged approach that includes broad corporate communications, a more focused public education program and specifically targeted community-based efforts.

The corporate communications program carries the Ombudsman's messages to an audience that reaches from the Legislature and the public service through to the public at large. To that end, the Ombudsman publishes Annual Reports, periodic special reports, a quarterly newsletter (Connection), pamphlets and flyers in approximately 24 different languages. Ombudsman Ontario's corporate communications include the use of public service announcements, a website, videos, publications and press conferences.

At the same time, a Public Education program is operated across the province by a number of front line staff, senior management and the Ombudsman through the delivery of speeches, workshops, networking and attendance at a variety of public events. The Public Education program includes occasions such as open houses and other events for members of the Legislature, public servants and a variety of groups within the public at large.

The Community Education program is the third prong of this approach. It is specifically targeted at a community level and is intended to get the message out to those communities and individuals that are most likely in need of government services and least likely to know about Ombudsman Ontario. Ombudsman Ontario's Community Education Program plays an important role in raising public awareness about our services and facilitating the process of mutual engagement and learning with community based stakeholder groups throughout the province. In the fiscal year 2000-2001, Ombudsman Ontario staff participated in just over 400 community education and outreach activities, reaching approximately 40,000 people across Ontario.

Among the numerous events we attended this year were

- Guelph Multicultural Festival
- New Liskeard Town and Country Fair
- United Way Information Fair, Sault Ste. Marie
- Canadian First Nations/Aboriginal Festival, Toronto
- Pride 2000 events in Toronto
- Franco-fête (Francophone Festival), Toronto
- Canadian Mental Health Association Conference, Sudbury

We also met with and made presentations to such groups and organizations as:

- Chippewas of Nawash First Nation
- Association for Community Living, North Bay
- Centre des services familiaux de Prescott-Russell
- Mount St. Joseph College, Sault Ste. Marie
- Township of White River
- Baycrest Centre for Geriatric Care, North York
- India Rainbow Community Services
- Social Development Council of Toronto

Since the closure of regional offices in Timmins, North Bay, Kenora, and Windsor special emphasis has been placed on reaching these communities and regions through intake clinics. This year, intake clinics were held in such locations as the Windsor Occupational Health Centre, Ministry of Northern Development Offices in North Bay, and the Attawapiskat First Nation in James Bay.

With the stabilization of staff and funding levels, a renewed emphasis on community education is being made in the Greater Toronto Area (GTA) after a hiatus of almost five years. Statistics indicate that individuals from this region are underrepresented in Ombudsman Ontario's complainant base. An evaluation of this year's activities in the GTA has been completed and resulted in the development of a new strategic plan. The plan will help guide and focus our community education and outreach activities in this important region of the province.

Finally, the monitoring and tracking of community education and outreach efforts were greatly enhanced this year by the development and implementation of a computerized recording system in our case management system. The system not only assists staff in scheduling activities but also provides the organisation with important demographic data which can be used in measuring the program's success.

OMBUDSMAN ONTARIO STAFF LIST: MARCH, 2001

Ombudsman
Clare Lewis, Q.C.

Administrative Assistant
Ingrid Lasrado

Executive Director
Fiona Crean

Executive Assistant
Rachel Olaso-Pezeshkian

Administrative Secretary
Susan Mason

COMPLAINTS RESOLUTION TEAMS

Director of Investigations & Complaints Resolution
Lenna Bradburn

Administrative Secretary
Denise Salmon

Manager
Sue Haslam

Supervisor
Eva Kalisz
Marie-Claire Muamba (Acting)

Administrative Secretary
Betty Baker

Access Representatives
Monique Bokya-Mboyo
Zalina Deodat
Claire Giroux
Marcel Grimard
Anne Sophie Leduc
Johanne Safar
Michelle Touchette

Manager
Sue Haslam

Team Leader
Millicent Dixon
James Nicholas (Acting)

Administrative Secretary
Betty Baker

Ombudsman Representatives
Naomi Bambara
Danielle Barbeau-Rodrigue
Alphonse Barikage
Irene Buncel
Lira Hugh

Investigators
Kwame Addo
Gerry Carlino
Kathy Penfold
Elizabeth Weston
Barbara Worthington

Manager
Duncan Newport

Team Leader
Tim Arkell

Administrative Secretary
Kamala Kirushna

Ombudsman Representatives
Michelle Amaral
Robin Bosworth
Hannalie Ethier
Micheline Gagné
Pauline Gignac
Amita Shunglu
Laura Spiers
Pam Young

Investigators
Calvin Blackwood
Mary Jane Fenton
Anita Glasier
Barbara Kiesecker

Manager
Asfia Sultan

Team Leader
Mary Elizabeth Nugent
Cathy Evans-Rea

Corrections Clerk
Lourdes Legardo

Ombudsman Representatives
Winsome Cain
Joane De Varennes
Chakib El Hakmaoui
Sharon Fowler
Anne Hart
Esla Hutchinson
George La Rosa
Nicole LeBlanc
Lourine Lucas
Beena Rajendra
Joe Semenciw
Gabriella Trotta

Investigators
Barbara Hirst
Matilda Presner
Rosie Dear

FINANCE & ADMINISTRATION

Manager
John Allan

Administrative Assistant
Dora Gimenez-Dixon

Accounting Analyst
Judith Lee

Client Services Representative
Wolfgang Schulz

Word Processing Operators
Maureen Bourns
Jackie Holmes

COMPLAINTS ANALYSIS & INFORMATION

Manager
Duncan Newport

Programmer Analysts
Kwasi Frimpong
Dianne King

Clerical & Technical Support
Suzanne Bernier

Records & Archives Technician
Jackie Correia

End User Support
Joyce Coolman

POLICY, LEGAL, RESEARCH AND COMMUNICATIONS

Policy Manager
Juan Gomez

Manager, Communications
Gail Scala

Administrative Secretary
Dean Morra

Legal Advisors
Laura Pettigrew
Wendy Ray

Analyst/Investigator
Lorraine Boucher

Research Assistant
Sherrie Nicholson

HUMAN RESOURCES

Human Resources Coordinator
Joyce Leonard

Administrative Secretary
Grace Domingo

Today...

"My complaint was heard."

In 2000/2001 Ombudsman Ontario statistics show a total of 26,538 complaints and inquiries received... Positive improvements occurred in our complaint-handling this year on a number of fronts.

Complaints which required a full formal investigation were dealt with in a more timely manner in 2000/01.

Ombudsman Ontario received 26,538 complaints and inquiries in 2000/2001, representing an increase of 16.8 percent over the 22,720 received in the preceding year.

Complaints and inquiries concerning provincial government organizations saw an overall increase of 13.7 percent in 2000/2001. Of note was the increase in complaints about provincial organizations (non-Correctional) which rose 2.83 percent reversing a trend of recent years. Among the provincial organizations that saw above average increases in their complaint numbers were:

- The Ontario Rental Housing Tribunal up 95 percent from 89 to 175 complaints
- Legal Aid Ontario up 95 percent from 74 to 144 complaints
- The Ontario Student Support Program up 43 percent from 166 to 238 complaints
- Ontario Health Insurance Plan up 39 percent from 100 to 139 complaints

The increase of 27 percent over the previous year in correctional complaints and inquiries reflects the continued impact of changes occurring within the Ontario correctional system.

In terms of how our office receives complaints, this past year saw an increase of 65 percent in the number of complaints and inquiries brought to our attention at intake clinics held throughout the province.

Reflective of the wider diffusion of information technology through society, the use of the Internet to contact our office with a complaint or inquiry has also increased by almost 50 percent.

Worth noting is the 21.8 percent increase of complaints and inquiries against non-provincial organizations, such as municipal, federal and private organizations. This increase is due to increasing numbers of complaints the office is receiving about such organizations as well as internal changes Ombudsman Ontario has made in coding procedures for tracking such inquiries. As these complaints and inquiries are not within our jurisdiction to address, referral information is provided to the public by staff in our Access Centre.

In operational terms, Ombudsman Ontario's complaint handling processes have allowed us to manage a large volume of complaints effectively. While 75 percent of the 16,206 complaints and inquiries against provincial government organizations – our core business – were closed within 20 days of receipt, 50 percent were actually closed within five days.

Complaints which required a full formal investigation were dealt with in a more timely manner in 2000/01 as well. The average time from opening to closing a complaint was 10.5 months, a decrease from 12 months over last year. This time includes an average of 1.5 months in our managed Complaints Register to which a complaint file is first logged prior to assignment to an investigator. Complaints are placed in the Complaints Register after a preliminary assessment and are assigned to investigative staff as their caseload permits, allowing us to ensure that investigators have manageable caseloads and as a consequence complaints are processed more efficiently.

Complaints that proceeded to the formal investigation stage in 2000/2001 had a variety of outcomes. The Ombudsman resolved 12 percent of these in favour of the complainant. The government's action was found to be appropriate in 5 percent of the cases but suggestions were made to the various ministries in another 10 percent of cases. The Ombudsman did not support 17 percent of the complaints formally investigated. Another 44 percent of cases were discontinued prior to a formal recommendation and 10 percent of complaints were withdrawn.

As part of our ongoing evaluation program, we have established that internal coding procedures often do not adequately capture the nature of the work done and the results obtained. We have therefore revised our recording methods in order to better reflect the outcome of complaints and inquiries. These changes will be used to report the complaint numbers as they appear in next year's Annual Report.

COMPLAINTS AND INQUIRIES: CLOSED DURING 2000 - 2001

	Total		
	00-01	99-00	98-99
Provincial	**16,206**	14,245	14,391
Municipal	**1,885**	1,428	2,484
Federal	**1,539**	1,130	1,781
Private	**6,077**	5,350	8,339
Courts	**513**	424	567
Other	**318**	143	1,774
Total Non-Provincial	**10,332**	8,475	15,005
Totals	**26,538**	22,720	29,396

OUTCOME OF COMPLAINTS AND INQUIRIES: CLOSED DURING 2000 - 2001

	Non Provincial			All Provincial			Provincial Government: Correctional System			Provincial Government: Other Provincial		
	00-01	99-00	98-99	**00-01**	99-00	98-99	**00-01**	99-00	98-99	**00-01**	99-00	98-99
Investigation discontinued by Omb.				**2,117**	1,473	909	**1,461**	995	459	**656**	478	450
Investigation discontinued by complainant				**830**	968	826	**768**	930	773	**62**	38	53
Resolved by Omb. in favour of complainant				**232**	158	182	**163**	85	89	**69**	73	93
Resolved by Omb. in favour of government				**118**	54	73	**43**	0	4	**75**	54	69
Resolved Independently				**174**	89	112	**166**	81	101	**8**	8	11
Resolution facilitated / Referral given / Inquiry made	**10,242**	8,415	14,925	**12,402**	11,131	11,746	**5,350**	4,136	3,057	**7,052**	6,995	8,689
No action possible	**90**	60	84	**333**	372	543	**148**	136	306	**185**	236	237
Totals of all resolutions	**10,332**	8,475	15,009	**16,206**	14,245	14,391	**8,099**	6,363	4,789	**8,107**	7,882	9,602

GLOSSARY

- **Resolution facilitated / referral given / inquiry made:** Assistance given to resolve a problem through discussion, inquiries of the organization complained about, information shared or other tangible methods of resolution, by giving name and phone number of appropriate jurisdictional organization, or actually calling the organization to confirm jurisdiction to handle the matter and make inquiries.
- **No action possible:** No assistance can be given as the problem can not either adequately be defined, the information given does not require the Ombudsman to take action, the complainant is anonymous, or it is beyond our capacity to facilitate a resolution.
- **Discontinued by Ombudsman or complainant:** The investigation is discontinued because either receipt of additional information indicating further investigation is unnecessary, the agency has taken immediate steps to resolve the problem, the Ombudsman has previously investigated the case, or the complainant does not wish to pursue the matter further for various reasons.
- **Resolved by Ombudsman in favour of complainant:** The complaint is supported in favour of the complainant.
- **Resolved by Ombudsman in favour of the government:** The complaint was not supported. In some cases suggestions for change of policy or systems are recommended to the governmental organization.
- **Resolved by other means:** The complaint is resolved with minimal involvement of the Ombudsman.

IN ORDER OF FREQUENCY, THE MOST COMMON TYPES OF COMPLAINTS INVESTIGATED BY OMBUDSMAN ONTARIO THIS YEAR WERE:

	TYPES OF COMPLAINTS	Rank Previous Year
1	Adverse impact or discriminatory consequence of a decision or policy on an individual or group	2
2	Failure of governmental organization to adhere to own processes, guidelines or policies or to apply them in a consistent manner	5
3	Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws, information or evidence	1
4	Harassment by a governmental official; bias; mismanagement; bad faith	9
5	Failure to adequately or appropriately communicate with a complainant	3
6	Denial of service	7
7	Insufficient reasons for a decision or no reasons given	6
8	Inadequate or improper investigation was conducted	4
9	Other	11
10	Unreasonable delay	8
11	Failure to keep a proper record	10
12	Unfair settlement imposed; coercion	12
13	Failure to provide sufficient or proper notice	13
14	Omission to monitor or manage an agency for which the governmental organization is responsible	14

COMPLAINTS AND INQUIRIES BY PROVINCIAL RIDINGS EXCLUDING COMPLAINTS AGAINST THE MINISTRY OF CORRECTIONAL SERVICES*

RIDING	Total
Algoma - Manitoulin	293
All Ontario - Systemic	2
Ancaster - Dundas - Flamborough - Aldershot	36
Barrie - Simcoe - Bradford	81
Beaches - East York	42
Bramalea - Gore - Malton - Springdale	48
Brampton Centre	53
Brampton West - Mississauga	47
Brant	83
Bruce - Grey - Owen Sound	154
Burlington	48
Cambridge	71
Chatham - Kent - Essex	165
Davenport	33
Don Valley East	38
Don Valley West	51
Dufferin - Peel - Wellington - Grey	75
Durham	44
Eglinton - Lawrence	37
Elgin - Middlesex - London	109
Erie - Lincoln	64
Essex	66
Etobicoke - Lakeshore	67
Etobicoke Centre	24
Etobicoke North	71
Glengarry - Prescott - Russell	70
Guelph - Wellington	135
Haldimand - Norfolk - Brant	141
Haliburton - Victoria - Brock	91
Halton	69
Hamilton East	80
Hamilton General Area	3
Hamilton Mountain	57
Hamilton West	73
Hastings - Frontenac - Lennox and Addington	84
Huron - Bruce	95
Kenora - Rainy River	198
Kingston and The Islands	108
Kitchener - Waterloo	82
Kitchener Centre	78
Lambton - Kent - Middlesex	85
Lanark - Carleton	67
Leeds - Grenville	70
London - Fanshawe	79
London General Area	7
London North Centre	100
London West	69
Markham	31
Mississauga Centre	25
Mississauga East	40
Mississauga General Area	4
Mississauga South	68
Nepean - Carleton	29
Niagara Centre	81
Niagara Falls	46
Nickel Belt	118
Nipissing	164
Northumberland	62
Oak Ridges	28
Oakville	42
Oshawa	54
Ottawa - Centre	63
Ottawa - Orleans	65
Ottawa - South	43
Ottawa - Vanier	52
Ottawa West - Nepean	92
Ottawa General Area	8
Out Of Province/International	328
Oxford	76
Parkdale - High Park	74
Parry Sound - Muskoka	101
Perth - Middlesex	80
Peterborough	72
Pickering - Ajax - Uxbridge	43
Prince Edward - Hastings	60
Renfrew - Nipissing - Pembroke	77
Sarnia - Lambton	155
Sault Ste. Marie	378
Scarborough - Agincourt	23
Scarborough - Rouge River	22
Scarborough Centre	48
Scarborough East	36
Scarborough Southwest	55
Simcoe - Grey	61
Simcoe North	150
St. Catharines	72
St. Paul's	52
Stoney Creek	44
Stormont - Dundas - Charlottenburgh	76
Sudbury	137
Thornhill	35
Thunder Bay - Atikokan	82
Thunder Bay - Superior North	155
Thunder Bay General Area	4
Timiskaming - Cochrane	195
Timmins - James Bay	140
Toronto Centre - Rosedale	127
Toronto Danforth	67
Toronto General Area	21
Trinity - Spadina	74
Unknown	132
Vaughan - King - Aurora	26
Waterloo - Wellington	54
Wentworth - Burlington	0
Whitby - Ajax	42
Willowdale	35
Windsor - St. Clair	67
Windsor General Area	8
Windsor West	77
York Centre	67
York North	72
York South - Weston	57
York West	20

* Where address information is available

COMPLAINTS AND INQUIRIES AGAINST PROVINCIAL GOVERNMENT ORGANIZATIONS BY FINAL RESOLUTION

ORGANIZATION	Complaint Resolved by Ombudsman in favour of: Complainant	Gov't Org.	Gov't Org. with Suggest	Independently Resolved	Investigation Discontinued By Com't	By Omb.	Resolution Facilitated/ Referral Given/Inquiry Made	No Action Possible	Total
MANAGEMENT BOARD OF CABINET									
Civil Service Commission							1	1	2
Management Board Secretariat						1	10	1	12
Ontario Lottery and Gaming Corporation						1	18	1	20
Ontario Pension Board						5	10		15
Ontario Realty Corporation						5	8	1	14
Management Board of Cabinet - Other						1	9	1	11
MINISTER RESPONSIBLE FOR FRANCOPHONE AFFAIRS									
Francophone Affairs - Other							4		4
MINISTER RESPONSIBLE FOR NATIVE AFFAIRS									
Native Affairs - Other							1		1
MINISTER RESPONSIBLE FOR SENIORS									
Seniors - Other							2		2
MINISTRY OF AGRICULTURE, FOOD, AND RURAL AFFAIRS									
Agricorp							1		1
Agriculture, Food and Rural Affairs Tribunal		1				1		1	3
Ontario Chicken Producers Marketing Board							1		1
Crop Insurance Appeal Board							1		1
Farm Products Appeal Tribunal						1			1
Farm Tax Rebate Appeal Board							2		2
Ontario Apple Marketing Commission							1		1
Ontario Drainage Referee						1	3		4
The Ontario Pork Producers Marketing Board							1		1
Agriculture, Food and Rural Affairs - Other						2	7	1	10
MINISTRY OF CITIZENSHIP									
Ontario Human Rights Commission		10			2	45	152	13	222
Citizenship - Other							7		7
MINISTRY OF COMMUNITY AND SOCIAL SERVICES									
Adoption Disclosure Registry							5		5
Child and Family Services Review Board							1		1
Children Psychiatric Research Institute						1	1		2
Comsoc Young Offenders Open Custody/Detention Facilities - Other					7	1	1		9
Comsoc Young Offenders Secure Custody/Detention Facilities - Other						1	10	1	12
Developmental Services Branch		5			2	1	2		10
Disability Adjudication Unit		1				2	51		54
Family Benefits	3		1		1	2	19		26
Huronia Regional Centre							1		1
Office of Child and Family Service Advocacy						1	17		18
Ontario Disability Support Program	4	1			1	10	596	19	631
Rideau Regional Centre				1	1		1		3
Social Assistance Review Board							1		1
Social Benefits Tribunal	2	3		1	3	19	89	8	125
Southwestern Regional Centre							1		1
Community and Social Services - Other		1				13	85	4	103
MINISTRY OF CONSUMER AND BUSINESS SERVICE									
Alcohol and Gaming Commission of Ontario						4	26	3	33
Board of Funeral Services							1		1
Business Practices Division	1					1	20		22
Licence Appeal Tribunal						1	7		8
Liquor Control Board of Ontario						2	6		8
Ontario Racing Commission							1		1
Registrar General						1	46		47
Commercial Registration Appeal Tribunal						1	1		2
Consumer and Business Services - Other	1			1		4	78	1	85
MINISTRY OF CORRECTIONAL SERVICES									
Correctional Centres	25	11		48	161	315	1145	31	1736
Detention Centres	98	12		59	308	609	2306	67	3459
Jails	29	8		48	224	388	1588	45	2330
Ontario Board of Parole					1	4	27		32
Probation and Parole Services					2	4	25		31
Treatment Centres	2			4	13	56	77	2	154
Young Offender Centres	7			6	36	68	109	2	228
Young Offenders Open Custody/Detention Facilities - Other	2	3		1	17	10	38		71
Young Offenders Secure Custody/Detention Facilities - Other					3	1	7		11
Correctional Services - Other		1			3	6	28	1	39
MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE									
Ontario Energy Corporation							1		1
Ontario International Trade Corporation						1			1
Economic Development and Trade - Other							8		8
MINISTRY OF EDUCATION									
Languages of Instruction Commission of Ontario							1		1
Special Education Appeal Board							2		2
Education - Other	1			1		3	37	1	43
MINISTRY OF ENERGY, SCIENCE AND TECHNOLOGY									
Ontario Energy Board							17		17
Ontario Hydro						11	66	1	78
Energy, Science and Technology - Other							1		1
MINISTRY OF THE ENVIRONMENT									
Drive Clean Office						1	16		17
Pesticides Advisory Committee							1		1
Environment - Other	3					17	66	2	88
MINISTRY OF FINANCE									
Financial Services Commission of Ontario	2				1	3	103	1	110
Financial Services Tribunal						1	1		2
Land Transfer Tax							7		7
Motor Vehicle Accident Claims Fund						1	5		6
Ontario Insurance Commission					1	1	65		67
Ontario Securities Commission							15		15
Pension Commission of Ontario							9		9
Retail Sales Tax						2	48	3	53
Superintendent of Deposit Institutions							1		1
Superintendent of Insurance							1		1
Finance - Other		3	1		1	5	72	1	83

COMPLAINTS AND INQUIRIES AGAINST PROVINCIAL GOVERNMENT ORGANIZATIONS BY FINAL RESOLUTION

(continued)

ORGANIZATION	Complaint Resolved by Ombudsman in favour of: Complainant	Gov't Org.	Gov't Org. with Suggest	Independently Resolved	Investigation Discontinued By Com't	By Omb	Resolution Facilitated/ Referral Given/Inquiry Made	No Action Possible	Total
MINISTRY OF HEALTH AND LONG-TERM CARE									
Assistive Devices Program / Branch						2	16		18
Board of Directors of Drugless Therapy							1		1
Cancer Care Ontario							7		7
Consent and Capacity Board							9	1	10
Health Professions Appeal and Review Board	1	6			1	6	17	3	34
Health Services Appeal and Review Board		1				1	7	1	10
Long Term Care Branch							7		7
Mental Health Centres	2				1	11	41	1	56
Northern Health Travel Grant						4	33		37
Ontario Drug Benefit	1						29	1	31
Ontario Health Insurance Plan				1	3	5	127	3	139
Psychiatric Hospitals	1				1	10	59	3	74
Psychiatric Patient Advocates							9		9
Trillium Drug Program		1					37	2	40
Health and Long Term Care - Other	1					19	131	2	153
MINISTRY OF LABOUR									
Employment Practices Branch	4					7	79	2	92
Employment Standards Referees						3	3		6
Grievance Settlement Board		1				1	2		4
Occupational Disease Panel							1		1
Office of the Employer Adviser							1		1
Office of the Worker Adviser						2	26	1	29
Ontario Labour Relations Board			2			20	37	3	62
Ontario Public Service Labour Relations Tribunal							2		2
Pay Equity Commission							3	1	4
Public Service Grievance Board		1				2	2		5
Workplace Safety and Insurance Appeals Tribunal	4	8	1		5	89	181	7	295
Workplace Safety and Insurance Board	1	1			4	18	883	10	917
Labour - Other						2	41	2	45
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING									
Board of Negotiation - Municipal Affairs							1		1
Building Code Commission							4		4
Building Materials Evaluation Commission							1		1
Housing Authorities	1					5	100	3	109
Line Fences Referee						6			6
Ontario Building Industry Development Board							2		2
Ontario Housing Corporation							4		4
Ontario Mortgage Corporation						1			1
Ontario Municipal Board						7	15		22
Ontario Municipal Employees Retirement Board							9		9
Ontario Rental Housing Tribunal	1	4		1	9	29	125	6	175
Rent Control Programs							10		10
Municipal Affairs and Housing - Other						7	56	1	64
MINISTRY OF NATURAL RESOURCES									
Crown Timber Board of Examiners		1				1	3		5
Game and Fish Hearing Board						2	15		17
Lake of the Woods Control Board		1					1		2
Moose Allocation Advisory Committee						1	3		4
Niagara Escarpment Commission						1	1		2
Ontario Renewable Resource Research Review Branch							1		1
Provincial Parks Council						1	10	1	12
Natural Resources - Other		3		1	4	21	75	4	108
MINISTRY OF NORTHERN DEVELOPMENT AND MINES									
Ontario Northland Transportation Commission							2		2
Northern Development and Mines - Other							5		5
MINISTRY OF THE ATTORNEY GENERAL									
Advisory Committee of the Public Trustee on Investments							1		1
Assessment Review Board	3					5	26	3	37
Children's Lawyer						4	21		25
Criminal Injuries Compensation Board						5	26		31
Crown Attorneys							39	1	40
Family Responsibility Office	17	5	2	1	1	34	1336	20	1416
Legal Aid Ontario	3	1				6	130	4	144
Public Guardian and Trustee	2				1	3	82	4	92
Attorney General - Other	2				1	7	97	4	111
MINISTRY OF THE SOLICITOR GENERAL									
Coroners' Office						1	11		12
Office of the Fire Marshal							4		4
Ontario Civilian Commission on Police Services (formerly OPC)						1	28		29
Ontario Provincial Police	2	1				6	42	1	52
Solicitor General - Other					1	7	24		32
MINISTRY OF TOURISM, CULTURE AND RECREATION									
Art Gallery of Ontario							3		3
Metro Toronto Convention Centre Corporation					1				1
Niagara Parks Commission			1						1
Ontario Arts Council							1		1
Tourism, Culture and Recreation - Other							4		4
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES									
Colleges of Applied Arts and Technology					2	5	25		32
Ontario Student Assistance Program	1	3				68	163	3	238
Training, Colleges and Universities - Other						1	15		16
MINISTRY OF TRANSPORTATION									
Licence Suspension Appeal Board -MTO							1	1	
Medical Review Section		1			1	3	106		111
Ontario Highway Transport Board							8	1	9
Transportation - Other	5	2			6	33	381	8	435
ONTARIO GOVERNMENT - OTHER									
Cabinet Office		1				1	125	3	130
Information and Privacy Commissioner/Ontario							27	1	28
Legislative Offices							29		29
Office of the Lieutenant Governor							3		3
Office of the Premier & Cabinet Office						1	11		12
Office of the Provincial Auditor							1		1
Ontario Government - Other						1	14	1	16

COMPLAINTS AND INQUIRIES AGAINST THE MINISTRY OF CORRECTIONAL SERVICES*

BY SUBJECT MATTER	00-01	99-00	98-99
Staff Conduct	799	655	410
Living Conditions - Food / Diet	544	390	297
Health - Adequacy of Care	496	1217	856
Classification or Transfer within the Provincial System	489	462	303
Personal / Inmate Property	369	296	170
Yard	352	215	144
Administration in General	347	535	576
Living Conditions - Clothing Size Condition etc.	312	173	122
Health - Medication (Other)	289		
Health - Prescription Request	279	143	79
Living Conditions - Cleanliness, Hygiene, Sanitation	269	35	
Canteen	262	403	78
Inmate Misconduct Issuance Adjudication	260		
Living Conditions In General	244	447	425
Health - Other	236		
Responses to Inmate Requests	234	177	126
Other	231		
Correspondence	213	141	89
Living Conditions - Lockup	206		
Health - Delay	204		
Living Conditions - Segregation	203	195	103
Policy / Practice	200	148	66
Administrative Segregation	192	180	109
Telephone Access / Use	187	165	61
Inmate Trust Account	173	132	73
Living Conditions - Smoking	157	38	32
Visiting Privileges	156	65	34
Living Conditions - Overcrowding	153	111	57
Living Conditions - Personal Hygiene	143		
Living Conditions - HVA, Heating, Ventilation, Air	140	118	58
Allegations of Excessive Force - Staff Misconduct	129		
Discretionary Program Decisions / Access to Program	127	95	29
Special Needs / Treatment Unit	126	116	
Health - Medical Diet	101	49	29
Living Conditions - Bedding / Mattresses / Towels	99		
Institutional Discipline - Other than Inmate Misconduct	98	125	52
Health - Specialist Appointments	97		
Ombudsman Access (Letter or Phone)	93	71	33
Health - Methadone Program	91	54	49
Inmate - Inmate Disputes / Assaults	86	58	20
Classification - Other	84	95	62
Health - Continuity of Care (Admissions)	80		
Dental	78	162	126
Lost Earned Remission	69	67	57
Searches	67	66	29
Committal / Sentence Calculation	66	37	38
Health - Staff Conduct	66		
Temporary Absence Passes	65	95	75
Living Conditions - Cell Time	63	14	
Religious / Spiritual Observance	58		
Security - Lockdown	55		
Religious or Life Style Diet	53	49	44
Health - Glasses, Eye Care	49	36	35
Health - Continuity of Care (Transfer)	48		
Health - Dental Emergency	48		
Health - Dental - Preventative or Restorative	48		
Health - Diagnosis	48		

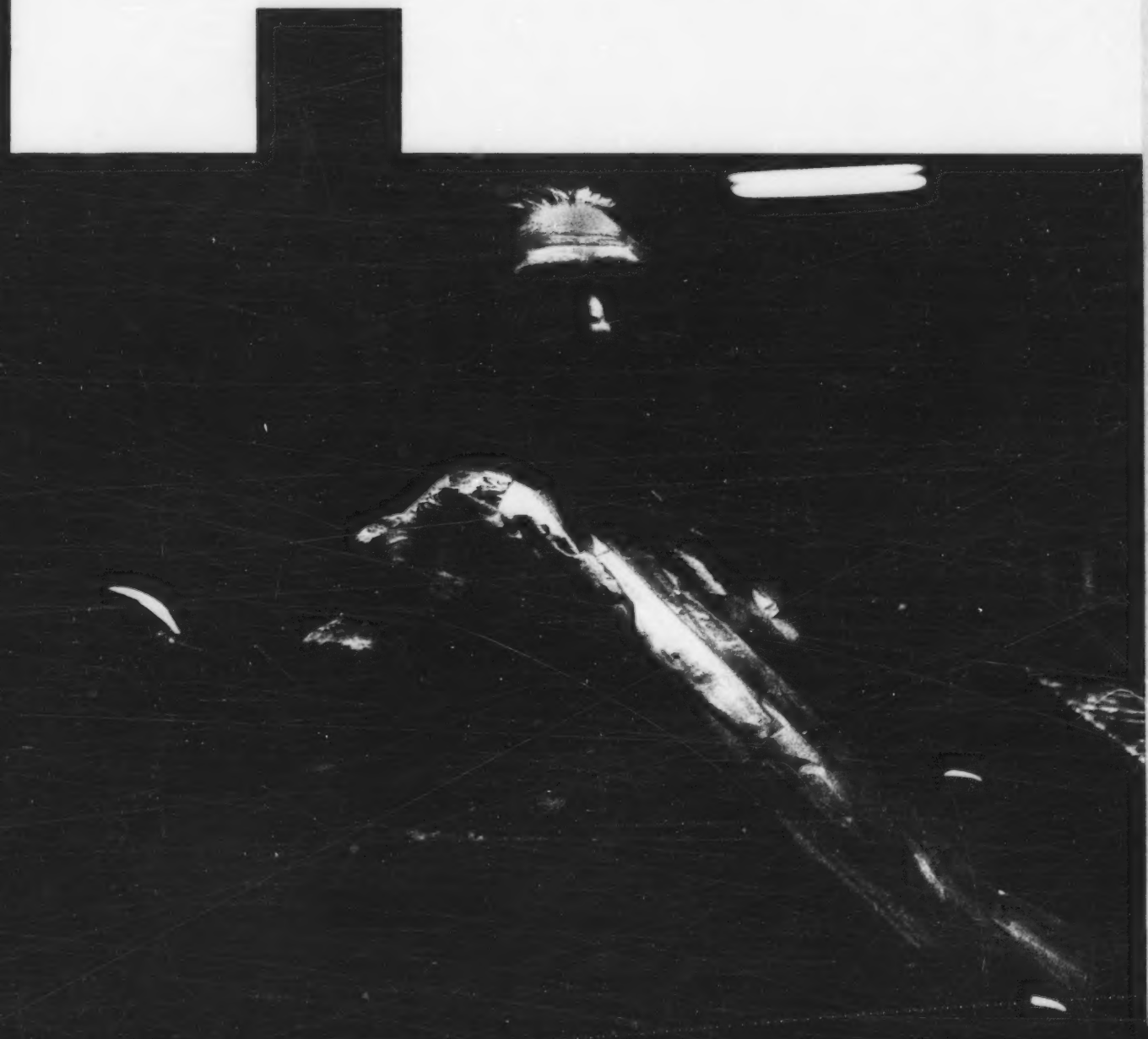
BY SUBJECT MATTER	00-01	99-00	98-99
Punitive Segregation	47		
Race Related Complaints	45	2	
Health - Medical Appliances / Devices Request	44	17	26
Protective Custody	42	50	13
Mental Health Care	34	55	44
Allegations of Reprisal for Ombudsman Contact	33	13	1
Intermittent Sentence	33	47	14
Pre-Release	33	34	16
Health - Hospital Visits / Admission	24		
Newspaper Subscription / Delivery	23		
Living Conditions - Immigration Hold	22	25	20
Classification or Transfer to Federal System	21		
Health - Second Medical Opinion Requests	21	0	7
Charter of Rights / Human Rights	19	31	24
Health - Smoking Cessation Assistance	19		
Health - HIV / Aids	18		
Health - Dental Appliances / Dentures	16		
Health - Hepatitis	16		
Health - Medical Segregation	16	16	15
French Language Services	15	8	1
Inmate Institution Guide	14	10	2
Health - Suicide Watch	12		
Request for Procedural Information	12		
Electronic Monitoring	11	14	10
Freedom of Information / Protection of Privacy	11	5	9
Health - Segregation	11		
Health Care - Adequacy	11		
Lost Earned Remission Punitive Segregation	10		
Request for Phone Number or Address	9		
Bailiffs	8	15	7
Transfer - Federal Institution	8	15	10
AIDS / Hepatitis	7	8	2
Meals at Court	7	11	8
Parole - Community Services / PPO	7	32	56
Health - Medical Confidentiality / Privacy	5		
Inmate Transportation Upon Release	5		
Access to Services (Technology) - Telephone (Busy, Not in Service etc.)	4		
Death of Inmate in Custody	4	1	0
Health - Gynecological / Obstetrical	4		
Health - Hunger Strike - Food Watch	4		
Access to Services (Technology) - TTY	3	1	5
Municipal - Other	3		
Access to Services (Technology) - Telephone Voice Mail Systems	2		
Custody Review Board / Y.O. Avenues of Appeal	2	0	3
Probation	2	13	5
Secure Facility	2	1	2
Decision Making Practices	1		
Decision - Delay	1		
Decision - Denial	1		
Employment - Unfair Dismissal	1		
Health - Palliative Care	1		
Health - Pre-Natal Care	1		

*As any given complaint may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints.

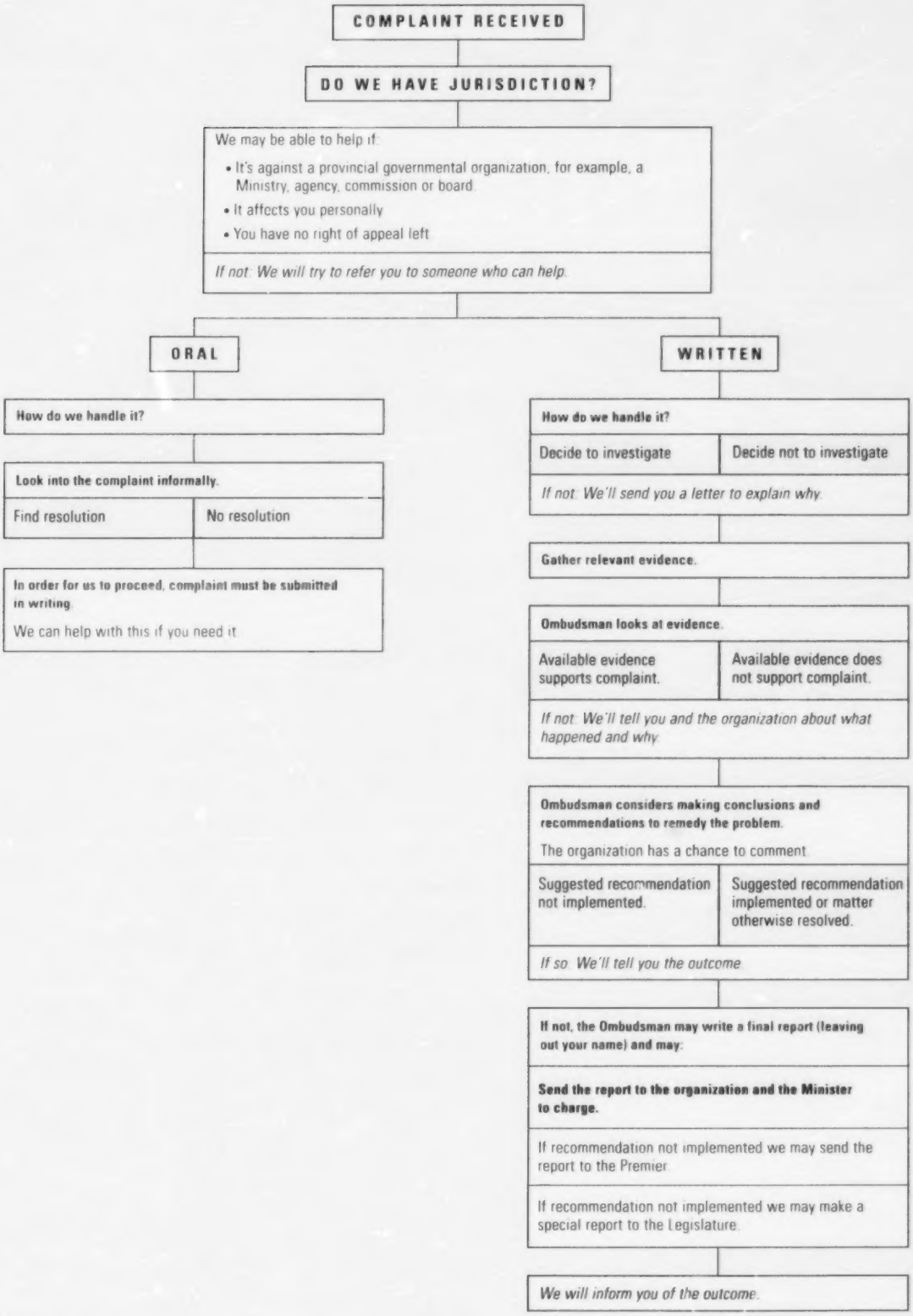
Today...

"A resolution was reached."

Every year in our annual report the Ombudsman presents a collection of case stories to illustrate the type of work we do.



THE COMPLAINT PROCESS


COMPLAINT RECEIVED
DO WE HAVE JURISDICTION?
We may be able to help if:
• It's against a provincial governmental organization, for example, a Ministry, agency, commission or board.
• It affects you personally.
• You have no right of appeal left.
If not: We will try to refer you to someone who can help.
ORAL
How do we handle it?
Look into the complaint informally.
Find resolution
No resolution
In order for us to proceed, complaint must be submitted in writing.
We can help with this if you need it.
WRITTEN
How do we handle it?
Decide to investigate
Decide not to investigate
If not: We'll send you a letter to explain why.
Gather relevant evidence.
Ombudsman looks at evidence.
Available evidence supports complaint.
Available evidence does not support complaint.
If not: We'll tell you and the organization about what happened and why.
Ombudsman considers making conclusions and recommendations to remedy the problem.
The organization has a chance to comment.
Suggested recommendation not implemented.
Suggested recommendation implemented or matter otherwise resolved.
If so: We'll tell you the outcome.
If not, the Ombudsman may write a final report (leaving out your name) and may:
Send the report to the organization and the Minister to charge.
If recommendation not implemented we may send the report to the Premier.
If recommendation not implemented we may make a special report to the Legislature.
We will inform you of the outcome.

Family Responsibility Office – Computer System Causes Backlog

Following the restructuring of the Ministry of the Attorney General's Family Support Plan in 1996, the number of complaints received by the Office of the Ombudsman increased dramatically. Due to the large number of complaints and their subject matter, the former Ombudsman conducted two own-motion investigations into the operation of the new program now known as the Family Responsibility Office (the FRO). These investigations were completed in 1998 and 1999, respectively.

In the first investigation, the Ombudsman expressed concern about the reactive nature of the organization and its reliance on contact from outside parties as prompts for action, and recommended the FRO make use of the information in its computer system to monitor its caseload. In the second investigation a year later, the Ombudsman found the organization was still complaint-driven because the FRO staff was still relying to a large extent on payors, recipients and income sources to act as the prompts for necessary action and follow-up. In both these investigations, the Ombudsman concluded the FRO was not enforcing support orders in a timely or effective way.

In 1999, the Acting Ombudsman initiated a third investigation to determine whether problems with the computerized system used by the FRO were interfering with its capacity to respond appropriately to client inquiries and whether such problems were impeding the timely enforcement of support orders and distribution of support payments. At that time, an increasing number of complaints received by the Ombudsman appeared to relate to the FRO's computer system.

In April 2000, a commitment was obtained from the FRO regarding plans to address problems with its computer system. The current Ombudsman determined that based on these undertakings, he would discontinue the investigation.

Resolved After Investigative Summary:
If the Ombudsman is considering supporting a complaint, a summary relating to the Ombudsman's tentative conclusions and recommendations is sent to the governmental organization involved. If the governmental organization's response is found to be satisfactory, the Ombudsman may consider the matter resolved.

However, in October 2000 the FRO continued to experience problems with its computer system despite its previous undertakings. At that time, the Ombudsman commenced an investigation into the FRO's apparent failure to comply with its undertakings.

The Ombudsman's investigation found the FRO had fulfilled a number of undertakings and some improvements had been made. However, the FRO had not taken steps to meet its commitment to undertake three projects which were intended to address inherent design inadequacies with its main computer system. The Ombudsman did not doubt that the FRO acted in good faith in giving the undertaking regarding these projects. In an investigative summary, the Ombudsman tentatively recommended that steps be taken by the FRO and the Ministry to ensure that the FRO obtains a new computer system that meets its operational needs, as expeditiously as possible.

In response the Ministry agreed with the Ombudsman's observations regarding the inadequacy of the FRO's computer system. The Ministry noted the decision to replace the system and the funding required are not totally within its control. However, it stated it had requested resources to undertake a feasibility study to re-engineer business processes and support the resulting service delivery model. The Ministry expected the study would take six months to complete, after which it would be in a position to seek approval and funding to undertake a systems replacement and process re-design. Based on this response, the Ombudsman was satisfied that adequate and appropriate steps had been taken by the Ministry at that time to implement his recommendations and closed the investigation.

The FRO... has the power to require a support payor's employer to withhold money from the payor's wages and remit the money to the FRO as payment of child or spousal support.

Family Responsibility Office – Apology to be Issued

Ms D complained to the Ombudsman that the Family Responsibility Office (FRO) had failed to take reasonable steps to enforce her court order for support. She advised that her former spouse had told her deductions were being made to his pay cheque but the employer was not remitting the money to the FRO.

The FRO, formerly part of the Ministry of the Attorney General and now part of the Ministry of Community and Social Services, has the power to require a support payor's employer to withhold money from the payor's wages and remit the money to the FRO as payment of child or spousal support. The employer is notified of its obligation by a Support Deduction Notice, or SDN. A review of the FRO's records on Ms D's case showed that, over a period of years, the payor's employer persistently failed to remit funds to the FRO as required. Although FRO staff had periodically contacted the employer, usually because of inquiries from Ms D, no substantive action was taken by the FRO to enforce the employer's compliance with the SDNs sent to him, and consequently, Ms D was owed thousands of dollars for prolonged periods of time.

The Ombudsman's staff began making informal inquiries with the FRO in 2000 and as a result some enforcement action against the payor was taken. More calls were made by FRO staff to the payor's employer, and two letters were sent to the employer warning of possible legal action if the employer did not withhold and remit the monies as the FRO had instructed. However, these measures did not result in the employer's compliance. The Ombudsman initiated a formal investigation, and further inquiries prompted the FRO's pursuit of the income source to the point at which the arrears in the case were payed up.

In considering Ms D's complaint, the Ombudsman noted that a previous investigation by his office on a similar case had resulted in assurances from what was then the Family Support Plan that its 1996 restructuring would address the issue of employers who did not properly comply with SDNs. Based on the case of Ms D, the Ombudsman observed that the restructuring had not addressed the problem.

No legal action was taken against the income source, despite the fact that the FRO's criteria for arranging a hearing to consider non-compliance had been met. The Ombudsman also noted that the FRO's two letters to the employer in Ms D's case had, in addition to warning of such legal action, also warned that failure to comply with an SDN could be considered an offence under the FRO's legislation, and could result in a maximum penalty of up to $10,000.00. The income source however did not respond to these warnings and did not provide good reason for its non-compliance. The FRO did not pursue the income source further.

In an investigative summary the Ombudsman tentatively concluded that the FRO had failed to ensure timely compliance with the SDN. The Ombudsman also expressed concerns regarding the FRO's failure to clearly define when and in what circumstances proceedings against recalcitrant income source's should be initiated and to consider using the offence provisions of the legislation against delinquent income sources. The FRO did not take issue with the Ombudsman's finding that it had not ensured timely compliance with the SDN. It indicated that it would apologize to Ms D regarding the handling of her file. It noted that had legal action in accordance with its policy been initiated in a timely manner, the issue of prosecution of the income source would have been

moot. It also noted that training had been provided to staff on when to use enforcement measures and that it was taking steps to ensure that its staff were aware of its policies and that they were applied consistently. Based on the FRO's response, the Ombudsman determined that the file would be closed.

Adoption Disclosure Delay – Timeliness of Birth Relative Searches Monitored

The Ombudsman has closely monitored the progress made by the Ministry of Community and Social Services (the Ministry) in reducing the backlog of registrants waiting for birth relative searches in the Adoption Disclosure Registry.

In April 1999 the former Ombudsman tabled a final investigative report on this issue with the Legislative Assembly. At that time, there were in excess of 15,000 registrants waiting for searches and, when in the queue, registrants were waiting more than seven years for a search to be initiated. In April 2000 the Ministry responded positively to the recommendation in the report by allocating an additional $2.4 million to the program. This enabled the hiring of additional staff to meet the objective of eliminating the program's backlog waiting list within 18 months.

As of March 31, 2001, the Ministry has reported that there were fewer than 2,000 individual registrants waiting for searches and the waiting period for a search to begin had been reduced to three years.

Monitoring: Often the Ombudsman will successfully resolve an individual's complaint but continue to monitor an organization's undertaking to address an underlying system-wide or systemic problem.

Ministry of Labour/Family Responsibility Office – Legislation Being Amended

The Ombudsman has been monitoring this case since it was reported in the 1997 –1998 annual report. The complaint involved a support payor whose employer deducted support payments from his pay but failed to remit the payments to the Family Responsibility Office (FRO). When the employer went bankrupt, the FRO held the payor responsible for the support payments. The Ministry of Labour denied the payor's application for compensation for his lost support payments under a now defunct program, the Employee Wage Protection Program. The Ombudsman conducted an investigation and concluded that the Ministry's decision was unreasonable. The Ombudsman believed the Ministry should adopt an interpretation of the relevant sections of the Employment Standards Act, which considers wages deducted but not remitted to the FRO as unpaid wages, and allow the payor's application under the Wage Protection Program.

Although the Ministry did not agree that the Employment Standards Act could be interpreted in the manner suggested by the Ombudsman, it made a payment to the complainant on a "without prejudice" basis. The Ministry also agreed to address the question of whether the legislation should be amended so as to deal with remittance issues as part of a proposed Employment Standards Review. In November 2000 the Ministry advised the Ombudsman that a Bill had been introduced to reflect changes to the Employment Standards Act. While the legislation will still allow for legal deductions such as family support payments to be made by an employer, the proposed legislation stipulates that a deduction made but not remitted is not a legal deduction. This proposed change would allow an Employment Standards Officer to issue an order to collect from an employer who has made a deduction but has not remitted. The Bill received Royal Assent in December, 2000.

Discontinued: The Ombudsman may, in his discretion, discontinue an investigation for a variety of reasons including: receipt of additional information indicates that further investigation is unnecessary; the agency has taken steps to resolve the problem; the Ombudsman has previously investigated the case; or the complainant does not for a number of reasons, wish to pursue the matter further.

Assessment Review Board – Retroactive Travel Payment Issued

Two retired Hearings Clerks who had worked for the Assessment Review Board (the ARB) complained to the Ombudsman's Office that it was unreasonable of the ARB to deny their claims for retroactive travel time to hearings. They explained that in 1998 they learned that their collective agreement provided for payment for the travel time between their home and the location of the hearing. They explained that in the past they had been told by their managers that they were not entitled to travel time. When they made inquiries about their eligibility for travel time in 1998 they stated that they were told to wait while the issue was under review. After they retired in early 1999, they were told to submit their claims. The ARB then denied their claims stating that they had not been made on time and had not been approved by their managers.

When the ARB was notified of the Ombudsman's intent to investigate, it argued that the two retired employees had an opportunity to grieve and should have done so before they retired. (As they were retired they no longer had the opportunity to file a grievance.) It also argued that there had been a grievance made on the same issue by a Hearings Clerk who was currently employed and the ARB had hired a consultant to review several pay-related issues. The ARB asked that the Ombudsman withhold further investigation as once the outcome of the grievance and the consultant's report were known, management would be in a better position to respond to the complaints made to our office. The Ombudsman complied with this request, but monitored the progress of the two proceedings.

The grievance between the ARB and the Ontario Public Services Employees Union was concluded on July 12, 2000, with the facilitation of a mediator at the Grievance Settlement Board. Within two weeks the ARB notified the Ombudsman of the outcome of the settlement. Those current employees who had submitted claims prior to the settlement were entitled to their travel time for one-way trips to hearings in 1997 and 1998; all other clerks currently employed were to receive $200. The ARB agreed to apply the terms of the settlement that was applicable to the active clerks, to the claims filed by the two retired Hearings Clerks who had initially contacted the Ombudsman. By the end of August 2000, the complainants had received the cheques for the retroactive payment of their travel time.

Ministry of Community and Social Services – Special Consideration of Needs

Ms B's 17 year old son was in a motor vehicle accident in July of 1997. He suffered a traumatic brain injury and remained in a coma for 10 months. In March of 1998, Ms B telephoned the Ministry of Community and Social Services' New Liskeard office to determine if her son was eligible for a pension, or some type of allowance. Due to a misunderstanding, Ministry staff omitted to inform Ms B that once her son turned 18 years old, he was eligible to obtain a Family Benefits Personal Needs Allowance, as he was in a chronic care unit of a hospital. As a result, no application for an allowance was taken.

Ms B appealed the case to the Social Assistance Review Board. In its decision, the Board noted that Ms B's son would have been entitled to receive financial assistance in May of 1998 if Ministry staff had provided her with the correct infor-

mation. However, since an application for a Family Benefits allowance had not been completed, the Board did not have jurisdiction to hear the appeal.

After the Ministry received our letter of intent to investigate Ms B's concerns, the Ministry advised that section 8(1) of the Family Benefits Act allows the Lieutenant Governor in Council to provide direct payment of a benefit to an applicant who is not eligible under the legislation but who, due to special circumstances, warrants special consideration of his needs. This may include payment of arrears for a specific time period. The Ministry offered to process the documents requesting that arrears be paid under this section of the Act. The complainant was satisfied with the outcome and the case was closed.

Health Professions Appeal and Review Board – Medical Reports Overlooked

Mr. L's mother died in a diabetic coma after surgery. Mr. L believed her death could have been prevented, as there was an issue of whether her family physician knew or ought to have known whether she was diabetic. The Complaints Committee of the College of Physicians and Surgeons of Ontario (the Complaints Committee) after reviewing Mr. L's complaint regarding this matter, decided against taking any action. Mr. L then requested that the Health Professions Appeal and Review Board (the Board) review the Complaints Committee's decision. The Board determined the request for review was frivolous and vexatious and refused to conduct a review. Among the reasons the Board provided for not proceeding was "the absolute lack of information about the patient's condition prior to her death."

During the assessment of the information provided to the Ombudsman by Mr. L and the Board, it was noted that certain pertinent medical reports had been overlooked during the Board's review.

When the existence of the reports was brought to the Board's attention, the Board replied that Mr. L had not raised this information when he had the opportunity to challenge its view that his complaint was frivolous and vexatious. However, the Board indicated that given this information was overlooked, it would consider a reconsideration request from Mr. L on the grounds that the Board may have made an error that would likely result in it reaching a different decision.

Our office advised Mr. L that as he could request that the Board reconsider his complaint and this might resolve his concerns, no further investigation by our office was warranted and his file would be closed.

Ministry of Natural Resources – Portage Rights Defined

A local conservation association contacted the Ombudsman with a complaint relating to a decision of the Ministry of Natural Resources (MNR). The group of local residents alleged that the Ministry was not enforcing the Public Lands Act in protecting two existing portage trails which should be accessible to all citizens.

In 1998, the parcels of land in question were sold to a private landowner who took the position that he had the right to restrict the public from accessing his lands. A steel gate and a six-foot fence were erected which prevented public access to the trails and a bridge that crossed a creek on one of the trails was removed. The bridge was necessary as a safety measure

because the creek did not freeze during the winter. The Ministry was of the view that there was no clear basis on which to charge the landlord under the Public Lands Act.

The Ombudsman notified the Ministry of his intention to investigate the matter and an extensive investigation followed. The Ministry's file and actions were reviewed, as well as the legal definition and protection of portages under the Public Lands Act, and the Ministry's responsibility to act on behalf of the Crown. The rights of the private landowner were also considered during the Ombudsman's investigation. Ombudsman staff, with the cooperation of the Ministry, determined that further discussion between the landowner and the association, with the Ministry assisting, might provide a resolution to the outstanding concerns of the parties. The association and the private landowner agreed to a meeting and our investigation was discontinued at that time as this proposal satisfied both parties involved.

Social Benefits Tribunal – Income Assessment Review

Mr. T asked our office to review a decision of the Social Benefits Tribunal (the Tribunal). It was his contention that it was unreasonable for the Tribunal to uphold a decision of the Director of the Ontario Disability Support Program (ODSP) that he owed the Province 100 percent of the retroactive payment he had received from the Canada Pension Plan (CPP). Mr. T had received the CPP payment for the same period he was receiving benefits as the spouse of a Family Benefits (FB) ODSP recipient.

In denying Mr. T's appeal, the Tribunal explained that as a member of the 'family unit' Mr. T had benefited from the total benefits that were paid to his former spouse and not just the additional money she received while they were living together.

Mr. T also advised our office that he had received a notice from Canada Customs and Revenue Agency that he owed in excess of $5,000 in taxes following receipt of the CPP payment. Mr. T questioned the fairness of owing taxes on money that he never received and he explained how this situation had created financial hardship and stress for him.

Following the Ombudsman's review of the material Mr. T provided, it appeared that Mr. T had been assessed as if the CPP payment had applied towards one year's income.

The Ombudsman suggested that Mr. T take a copy of the letter he had received from the province as well as the T4 he received from CPP to the Canada Customs and Revenue Agency as this information explained how the CPP retroactive payment was calculated over three years. Mr. T did so and his tax arrears were reduced substantially though not eliminated.

Non-Support: At the conclusion of an investigation, the Ombudsman may determine that the government's position is not unreasonable and will resolve an investigation by not supporting the complainant. In some cases, suggestions for change of policy or systems are recommended to the governmental organization.

Ontario Disability Support Program – Early Application for Benefits Available to Inmates Prior to Release

As a result of complaints received from inmates of Ontario correctional facilities, the Ombudsman initiated an own-motion investigation into the Ontario Disability Support Program's (ODSP) practice of not allowing inmates to make application for ODSP benefits for receipt upon release into the community.

Section 9 of Regulation 222/98 states, in part, that persons detained in a lawful place of confinement are not eligible for income support; however, the Regulation is silent on when an application can be made. The Ombudsman was concerned that the Ministry's practice of not making Disability Determination Packages (DDPs) available for completion by inmates prior to release may have resulted in some former inmates experiencing significant delays in receiving ODSP benefits.

A notice of investigation by the Ombudsman was forwarded to the Deputy Minister of the Ministry of Community and Social Services. In his response, the Deputy Minister advised the Ombudsman that the Ministry would make DDPs available to institutional physicians so that they may assist inmates with disabilities to begin the ODSP application process as part of their release plan.

Ministry of Correctional Services – Facility Staff Review Use of Force Procedures

Mr. J complained to the Ombudsman that a Correctional Officer at a jail used unnecessary force while escorting him to the Admission and Discharge (A&D) area for transfer to a detention centre.

The Ombudsman, following an investigation of this matter was unable to support Mr. J's complaint that the amount of force used was unnecessary given the circumstances. The Ombudsman expressed his concern that the Ministry's use of force policies and procedures had not been followed. The investigation revealed that contrary to Ministry policy, certain documents had not been completed by staff and that the reports that had been completed lacked sufficient detail regarding the techniques used to restrain Mr. J.

The Ombudsman acknowledged that although the Ministry was implementing some initiatives, including staff training on the writing of reports, he recommended in the interim the Superintendent take the necessary steps to ensure that staff understand the Ministry's use of force policies and procedures; who is required to submit reports; and the level of detail that needs to be provided.

The Superintendent of the jail advised the Ombudsman that all staff members involved in the incident had been advised of the proper use of force procedures. In addition, the Superintendent stated that commencing in April 2001, staff at the facility would be undergoing staff training and that an additional session on report writing as it pertains to use of force, will be added to this session.

Ministry of Correctional Services – Streamlining Internal Investigations

Mr. R complained that he was forced to resign his position as a Correctional Officer because of racial discrimination and harassment at a jail. Following his resignation, he filed a complaint with the Ministry's Independent Investigations Unit (IIU) under the government's Workplace Discrimination and Harassment Prevention Program (WDHP). Mr. R's complaint was accepted in December 1995.

In February 1999, the IIU determined that it could not continue with the investigation of his complaints because of a grievance settlement reached between Mr. R and the Ministry. Mr. R believed that the IIU's decision to terminate its investigation was unreasonable and asked the Ombudsman to investigate. He also wanted the Ombudsman to investigate the delay associated with the investigation of his complaints.

Mr. R filed over 73 different allegations of discrimination against 22 respondents. He also filed a grievance and a complaint with the Ontario Human Rights Commission. Following an investigation into the circumstances, the Ombudsman determined that the IIU took Mr. R's complaints seriously and noted that the IIU had proceeded with an investigation although Mr. R was no longer a Ministry employee. The Ombudsman further noted the IIU continued the investigation after Mr. R had withdrawn his complaints, and the IIU also reviewed Mr. R's OHRC complaint which contained new allegations, to ensure that the WDHP investigation addressed all of the issues.

Since the Ombudsman had been asked to investigate circumstances similar to Mr. R's grievance, the Ombudsman concluded that he was unable to state the decision by the IIU not to proceed with its investigation was unreasonable. Furthermore, he acknowledged that although the length of time taken to investigate Mr. R's complaints was considerable, the Ombudsman determined that considering the breadth, complexity and unique circumstances surrounding Mr. R's case, he was not in a position to make a formal recommendation to the IIU relating to the issue of delay.

The Ombudsman, however, wrote to the Deputy Minister of Correctional Services to address the general issue of delay. He also expressed concern about the infrequency of complainant contact during the investigation. In response, the Deputy Minister advised the Ombudsman that efforts were being made within the IIU to streamline investigation procedures. He also advised that the Ministry had retained the services of a consultant with human rights experience to conduct a review of the entire WDHP process.

Ministry of Transportation – Ministry Follows Policy

In 1994, Mr. R had his Class "G" driver's license suspended by the Ministry of Transportation after his physician advised the Ministry that he had experienced a seizure. Four months after the Ministry suspended Mr. R's licence, the neurologist who had examined Mr. R, wrote to the Ministry and advised that Mr. R had experienced seizures in the past associated with alcohol abuse. In response, the Ministry wrote to Mr. R and notified him that in order to have his license reinstated, he needed to provide an up-to-date report from an addiction treatment centre confirming successful completion of a treatment program, commitment to ongoing treatment requirements and one year of total abstinence from alcohol. The Ministry reinstated Mr. R's driver's licence in 1999, after the results of Mr. R's blood tests supported his claim of abstinence from alcohol.

Mr. R contacted the Ombudsman's office because he believed the Ministry had suspended his licence for an unreasonable length of time. Mr. R stated that his physician had provided a letter to the Ministry in 1997, which indicated that he had been seizure-free for 3 years. Mr. R also believed that it was unreasonable for the Ministry to require information about his blood alcohol level when his physician had never indicated to the Ministry that his 1994 seizure was caused by alcohol.

As a result of the investigation into this matter, the Ombudsman determined that the O.P.P. had misplaced Mr. M's psychological files...

After investigating Mr. R's complaint, the Ombudsman advised Mr. R that he would not support his complaint. The Ombudsman did not find it unreasonable that the Ministry had suspended Mr. R's licence for a period of 5 years. The Ombudsman acknowledged that the first medical report received by the Ministry did not indicate that Mr. R's 1994 seizure had been caused by alcohol. However, the Ombudsman noted that a neurologist, who had examined Mr. R in 1994, advised the Ministry that he had experienced seizures in the past associated with alcohol abuse. The Ombudsman commented that once the Ministry was advised that Mr. R had a problem with alcohol, the Ministry asked him to provide evidence from medical doctors that he had abstained from alcohol for one year. The Ministry's requests were made between 1994 and 1999. The investigation showed that proof of Mr. R's abstinence from alcohol for the required time period was not provided to the Ministry until 1999, at which time the Ministry reinstated his licence.

The Ombudsman's investigation showed that the Ministry had followed its policy regarding reconsideration requirements for substance abuse when it required Mr. R to support his claim of abstinence from alcohol with results of laboratory blood tests.

O.P.P. – Hiring Assessment Upheld

Mr. M was dissatisfied with the decision of the O.P.P. not to recommend him for hire on the basis of his psychological evaluation. The O.P.P. application process involves a series of tests: the application; a written examination; the personal interview; fitness and psychological testing; and a background investigation. Each phase must be successfully completed before the candidate can proceed to the next stage of the process. Having successfully passed each of the preceding stages, Mr. M's psychological and fitness tests were completed in July 1998.

Mr. M failed the psychological component of the testing phase and he was not recommended for hire. He contends that he had been treated unfairly by the O.P.P. and its consulting psychologist. He maintained that subsequent evaluations by two independent psychologists showed that he was psychologically fit to serve as an officer. Mr. M claimed that his consultants identified problems with the O.P.P.'s process and the conclusions of the O.P.P. psychologist.

The Ombudsman did not believe that it was unreasonable for a candidate to have to demonstrate psychological suitability for the job. Moreover, since the O.P.P.'s psychologist specialized in assessments for police employment, it was not unreasonable to expect the O.P.P. to accept the recommendation of its psychologist in this case. However, as a result of the investigation into this matter, the Ombudsman determined that the O.P.P. had misplaced Mr. M's psychological files and suggested the O.P.P. amend its retention practices.

In response, the O.P.P. Commissioner advised that their retention practice had been changed effective April 15, 2000, prior to receipt of the Ombudsman's letter. Previously, all psychological inventory raw scores and evaluations were retained by the O.P.P.'s consulting psychologist and did not fall within the government's file retention schedules. Now, as a result of the change, all psychological inventories and evaluations would remain within the control of the O.P.P.

Family Responsibility Office – Employer's Deductions Not Unreasonable

Mr. L, a support payor, complained to the Ombudsman about the many problems with the enforcement of his support order by the Family Responsibility Office (FRO). The Ombudsman concluded that while the FRO was responsible for communication and enforcement problems, Mr. L should accept some responsibility for the impact of his own actions.

Although Mr. L had been told to make support payments to the FRO, he continued making direct payments to his ex-spouse. As a result, the FRO's records were inaccurate and the resulting enforcement was inaccurate.

On two occasions Mr. L's ex-spouse sent notices to the FRO advising that she had received direct payments. Despite unreasonable delays in processing these letters, the Ombudsman could not support Mr. L's contention that the FRO was unreasonable in sending his employer a notice to deduct support payments from his wages. There was no record that the recipient had received direct payment for all of the arrears owed and the FRO's legal obligation is to obtain support payments through an employer whenever possible. The Ombudsman did not agree with Mr. L's contention that the FRO should apologize to his employer and compensate him for his legal expenses and his subsequent loss of employment. The Ombudsman also found that the FRO responded appropriately by adjusting a bank garnishment which had seized funds from Mr. L's bank account.

The Ombudsman found merit in the FRO's position that had Mr. L ceased making direct payments in accordance with the Court Order and as the FRO had requested and had the recipient ceased accepting direct payments, it would not have been making repeated adjustments for past payments and it would not have had incorrect information on its system.

When Mr. L failed to make a large lump sum payment required under a new court order, the FRO re-initiated enforcement action. Once the payment was made and following two letters from Mr. L, the FRO agreed to comply with the terms of the court order by suspending enforcement for 30 days to allow him to set up a bank account. The FRO also provided confirmation to Mr. L that several years earlier it had requested the credit bureaus it deals with to delete the family support arrears from their records. Before enforcement could be suspended, federal funds owing to Mr. L were garnished. These funds were held in abeyance and then applied to the arrears owed on the account. The Ombudsman did not agree with Mr. L's allegation that the FRO was in contempt of the court order.

Lastly, the Ombudsman could not agree the FRO was unreasonable in refusing to prorate Mr. L's child support for one month when, for most of it, the child resided with him. The Ombudsman accepted the FRO's position that, as the monthly accrual date for the court order had passed, its legal obligation was to enforce for the full amount of the support for the month. The FRO did agree to adjust the account if the recipient agreed in writing that she was not owed support for the month.

The Ombudsman agreed that the FRO acted unreasonably by repeatedly failing to process documentation in a timely manner and by failing to respond to Mr. L's correspondence. Although the Director had extended an apology in her response to the Ombudsman's notice of intent to investigate, he asked that she apologize directly to Mr. L. He was satisfied that the FRO had taken practical steps to improve these problems. Technical problems that had caused delays in processing documents had been addressed and documents are now actioned within 30 days. A process is now in place for responding to letters addressed to the Director.

Early Resolution: Approximately 75 percent of complaints and inquiries against provincial governmental organizations are resolved within 20 days by Ombudsman Ontario staff. The early resolution of complaints is often facilitated through discussion and clarification or inquiries of the organization complained about.

Cancer Care Ontario – Unnecessary Delay Resolved

In early August 2000 Mr. N contacted Ombudsman Ontario with a complaint about the delay by the Regional Cancer Centre which is part of Cancer Care Ontario, in scheduling an appointment for him to start radiation treatment. Mr. N explained that he was diagnosed with cancer in January 2000 and was concerned with getting treatment started as soon as possible. Mr. N stated that he indicated to staff at the Cancer Centre that he was willing to see another physician if that would avoid delays.

Mr. N stated that he attended an initial appointment in April. He had a further appointment in June which was rescheduled to July. He called at the end of July only to discover that his appointment had been rescheduled to September. Five weeks prior to his appointment on September 8, he received a call from the Cancer Centre and was told that his appointment was cancelled and it was unknown when it would be rescheduled as his physician was very busy.

An Ombudsman Representative called the Cancer Centre to discuss Mr. N's concerns. It was confirmed that due to clinical considerations Mr. N's file was only finally complete and treatment could begin at the end of July. There were further delays caused by operating room and physician availability. The Ombudsman Representative was told that the next available date for treatment was October 27 but Mr. N was not advised of this because the Cancer Centre deemed this delay to be unreasonable. Staff at the Cancer Centre stated that the delays would be greatly reduced if Mr. N was willing to see another physician. The Ombudsman Representative clarified that Mr. N had said he told staff at the Cancer Centre on more than one occasion that he was willing to see another physician if that would start treatment sooner. The Centre's staff said Mr. N would receive a call the next business day from his specialist to confirm a date for treatment to begin.

Mr. N called the Ombudsman Representative to confirm that he had received the call as promised and he had an appointment for August 29 to begin his treatment.

Assistive Devices Program – Benefit Claim Finally Granted

An Ombudsman Representative met with Ms B during an Ombudsman intake clinic. Ms B's father and mother are residents of a nursing home and she has Power of Attorney over their affairs.

Ms B's father required a walker following surgery and the nursing home initiated an application with the Assistive Devices Program (ADP) to fund the purchase of the walker. Ms B was required to pay half the cost of the walker upfront.

The ADP initially advised Ms B that her father's application was denied because he was a veteran. Ms B advised the ADP that her father never served in the Canadian Army and she submitted proof. At the same time, the nursing home was advised that her father did not qualify for assistance because the Workplace Safety and Insurance Board (WSIB) would cover the cost of the walker.

Ms B applied for WSIB benefits but the claim was denied. She provided this information to the ADP and also told them that her father would be undergoing further surgery. The ADP responded that her father's application would not be considered because it was uncertain whether he would be able to use the walker after surgery. Ms B was asked to contact the ADP after the surgery and a deadline of October 18, 2000 was provided. In the meantime Ms B was requested by the supplier to pay the balance of the cost for the walker because the application process with the ADP was taking too long.

Each time an inmate required medical attention, the facility would now ensure that a professional interpreter is present.

On October 17, 2000, four months after her father's surgery, Ms B wrote to the ADP to confirm that her father could use the walker. She requested reimbursement of the costs; however, the ADP advised that her father's application was now out of time. It was at this point, after several attempts to resolve the problem on her own, that Ms B decided to contact the Ombudsman for assistance.

An Ombudsman Representative contacted the ADP and after some discussion, the ADP agreed to review the application file. The ADP staff advised the Ombudsman Representative that they did not have information regarding the outcome of the WSIB claim. With Ms B's permission, the Ombudsman Representative faxed this information to the ADP. Shortly after, the ADP staff contacted the Ombudsman Representative and confirmed that the cost of the walker would be covered under the program.

Citizenship and Immigration – Refugees Receive Assistance

Ombudsman Representatives often conduct intake clinics in various communities throughout their region. Often the problems that are brought forward such as Federal and Municipal issues, are not within the jurisdiction of the Ombudsman. Ombudsman Representatives will however, attempt to provide assistance by referring the complainants to the appropriate department or agency.

A family whose members were refugees in Canada, attended an Ombudsman Ontario intake clinic to seek assistance in attempting to find out when they would receive government assistance allocated for refugees from Citizenship and Immigration Canada, a federal agency. Through an interpreter, they explained these monies were desperately needed for rent, food and other basic necessities.

An Ombudsman Representative contacted the Federal Resettlement Assistance Program Office and learned that originally the complainants and their children arrived in the Province of Quebec. The necessary paper work for government assistance had been processed for the Province of Quebec but the family moved to Ontario before the process was complete.

The Resettlement Assistant Program Office advised the Ombudsman Representative that the request to have the complainants file returned from Citizenship and Immigration Canada would be prioritized as well as expediting an early meeting with the complainants and their interpreter to help process their application for funds. The Ombudsman Representative also provided to the complainants and their interpreter the names, address and phone numbers of many local social service agencies so that the complainants could obtain their basic living necessities.

Ministry of Correctional Services – French Language Service Enforced

A French-speaking inmate called our office from a correctional centre to complain that he could not obtain proper medical treatment because he was unable to communicate in French with the facility's health care staff and doctor.

An Ombudsman Representative called the facility but failed to resolve the problem. The Ministry's French Language Services Coordinator was then contacted. After several weeks, a decision was made that the facility would hire a professional interpreter as needed to assist in assessing the health care needs of French-speaking inmates. Each time an inmate required medical attention, the facility would now ensure that a professional interpreter is present. Furthermore, when an inmate would need to communicate with other facility staff members about his or her status, the facility would either call a professional interpreter or a bilingual staff member to facilitate communication.

The Ministry's French Language Services Coordinator also contacted the Superintendent at the correctional centre and requested that the French Language Services Act be enforced so that such delays or complaints would not recur in the future.

Family Responsibility Office – Garnishee Removed from Employment Insurance Income

Mr. T was an unemployed miner in a remote northern community and a psychiatric survivor who contacted our office with a complaint against the Family Responsibility Office (FRO). He contended that the FRO was not enforcing a Variable Court Order (a Court Order in which the amount of support is varied to a lesser amount when the support payer is not employed) correctly.

He had provided proof of his unemployment status to the FRO office, but the support calculations continued to accrue at the higher amount. Mr. T stated he was having difficulty paying his daily expenses as the FRO had garnisheed 50 percent of his Employment Insurance income. As a result, he was unable to pay for the cost of his medication or rent and his physical and mental state were deteriorating.

At the request of an Ombudsman Representative, Mr. T's file was reviewed and recalculated by the FRO. It was established that the support recipient had been overpaid and a paper credit was established on the account. The garnishee was removed from his Employment Insurance income and as the account was in a credit, the excess funds were made available to him to meet his rent and medication needs.

Mr. T continued to provide to the FRO proof of employment insurance receipts and his account was recalculated to reflect the lower amount of accruement. Mr. T was eventually able to return to work, while pursuing educational upgrading.

Legal Aid Ontario – Inmate's Confidential Information Protected

Mr. J complained to Ombudsman Ontario that one of the offices of Legal Aid Ontario (LAO) had breached his request for confidentiality by refusing or neglecting to ensure correspondence sent to him by the LAO was identified as confidential and solicitor client privilege.

Mr. J was a federal inmate and the information he was sending to and receiving from the LAO was sensitive in nature. Mr. J did not want the institutional staff to read the materials as he considered it privileged. He said that he made his request three times in writing to the LAO that they mark their correspondence to him with the LAO logo and the word "confidential."

An Ombudsman Representative contacted the Complaints & Investigation Department at the LAO. The Ombudsman Representative was advised that there is nothing in the *Legal Aid Services Act, 1998* Regulations or policy that specifically addressed the issue of correspondence confidentiality to federal or provincial inmates. It was noted that although the Director had asked that the complainant's confidentiality request be complied with, administrative errors had occurred. The LAO office was then instructed to identify any further correspondence to the complainant (or any other inmate) as being from the LAO and to be marked "Private & Confidential." The Ombudsman Representative was assured that the issue would be raised with the LAO Board of Directors to develop a provincial standard and policy for communicating with inmates of federal or provincial institutions.

In March 2001, the LAO informed Ombudsman staff that although the policy had always been in place, at the request of the LAO Vice-President, Legal Services, a further directive had been issued that unless otherwise requested, all inmate correspondence should be marked "Private and Confidential."

The Ministry of Transportation advised Mr. R that they could not reinstate his driver's license as he had an unpaid fine of $800. Mr. R claimed that he paid this fine in October 1999.

Ministry of Correctional Services – Residents' Food Complaints Get Early Resolution

A disproportionate number of complaints about the quality and quantity of food served at a Young Offenders Facility were received by the Ombudsman's Office from July 1999 to March 2001.

The complaints included allegations that foreign objects, such as tin foil, glass, metal and hair, had been found in the meals served to Young Offenders. The complainants also alleged that the food was frequently undercooked or overcooked and that the portions were small.

For each complaint received, an Ombudsman Representative contacted the Deputy Superintendent, and on two occasions, the Food Services Manager of the facility. The Senior Nutrition Consultant, Ministry of Correctional Services, was also contacted twice during the 12-month period about the complaints. However, the complaints continued.

In August, 2000 the Ombudsman Representative contacted the Ministry's Deputy Regional Director, Northern Region, to inform him of the complaints and to provide him with the information received from Young Offenders and facility staff about the quality and quantity of food served.

In September 2000, the Deputy Regional Director contacted the Ombudsman Representative to inform her that he had met with the Superintendent and Food Services Manager at the facility. He said that as a result, the facility was making changes to the complaints procedure for Young Offenders with food complaints. He stated that a shift supervisor will now be present during each meal service and will be expected to taste the food before it is served. All food complaints brought to the attention of staff will be documented in an occurrence report, which will be shared with the Food Services Manager. An immediate replacement of any problematic food item identified by a youth will be provided, and the Superintendent will submit a report containing conclusions and recommendations to the Regional Director following an internal investigation of a food complaint. These new procedures will be included in the facility's standing orders.

In November 2000, the Superintendent of the facility issued a directive of how staff was expected to process the youths' food complaints. Also, in March 2001, the Regional Director issued a memo to the Superintendent stating his expectations of what should be done to address these complaints. In a follow-up telephone call with an Ombudsman Representative, the Superintendent reported that the facility's Foods Services Manager was working with the Ministry's Senior Nutrition Consultant to address this matter and meet with the Regional Director's expectations.

Ministry of Transportation – Driver's License Reinstated

While holding an intake clinic in a First Nation community of Northern Ontario, Mr. R complained to an Ombudsman Representative about the Ministry of Transportation's delay in reinstating his driver's license. Mr. R explained that the suspension of his driver's license ended on October 5, 1999. In April 2000, the Ministry of Transportation advised Mr. R that they could not reinstate his driver's license as he had an unpaid fine of $800. Mr. R claimed that he paid this fine in October 1999.

The Ombudsman's Representative confirmed with the Ministry of Transportation that there was an unpaid fine of $800. The Representative called the Defaulted Fines Centre of the Ministry of the Attorney General. The Centre staff explained that the unpaid fine was still registered with a Northern Ontario courthouse. Staff at the courthouse stated that this fine was paid on October 5, 1999 and that they had advised the Defaulted Fines Centre. The staff at the courthouse agreed to fax the Defaulted Fines Centre to advise that the fine

was paid. The Representative followed-up with the Defaulted Fines Centre and confirmed that the fine was removed from the computer system. Finally, the Ministry of Transportation sent the complainant a form to renew his driver's license.

Northern Health Travel Grant – Full Travel Grant Issued

A resident of a Northern town contacted Ombudsman Ontario and complained she had received a travel grant for the amount paid to travel from her community to North Bay. Under the Northern Health Travel Grant (NHTG), Ms D had been issued the maximum allowance for travel to North Bay where the Ministry's records showed there was an orthopedic specialist who worked out of that city. However, Ms D's physician had referred her to an orthopedic back specialist in Toronto.

Her family physician wrote to the Review Committee and explained that there are no orthopedic back specialists in North Bay. The Committee however, upheld the original decision for the lesser amount.

An Ombudsman Representative contacted the Ministry and reiterated that the orthopedic specialists in North Bay are not orthopedic back specialists and that the nearest one was located in Toronto. Within days, the NHTG informed the Ombudsman Representative that the complainant would be issued the difference for her travel to Toronto. In addition, the Ministry put a note on her file should she need to return to Toronto within a year of the original consultation with the orthopedic back specialist.

Ontario Disability Support Plan – Eviction Threat Averted

Mr. A has a disability and attended an intake clinic accompanied by two advocates, a lawyer from a legal clinic and a representative from the Canadian Mental Health Association.

Mr. A and his advocates had made several requests to his income source, the Ontario Disability Support Plan (ODSP) to have his rent paid directly to his landlord, the local housing authority. The complainant's advocates advised that these requests were not completed due to processing problems and as a consequence Mr. A's rent had not been paid. Mr. A was very upset as he was now anticipating an eviction order which would leave him homeless.

An Ombudsman Representative contacted the local Housing Authority which confirmed they had been contacted by the ODSP to implement a pay direct for rent. However, the Ontario Housing Authority advised that the account number information had been "rejected" by the computer. The Housing Authority also confirmed that their agency was in the process of evicting the complainant for non-payment of rent.

Further follow-up by the Ombudsman Representative to the ODSP confirmed that the Ministry had brought in a technical person for this file to ensure that the computer problems were corrected in order that the request for direct payment of rent to the landlord could be put into place. Mr. A's rent was subsequently paid and his eviction order rescinded.

Office of the Public Guardian & Trustee – Application Mishandled

Mr. A complained that his brother, Mr. B, had been denied entitlement to social assistance because the Office of the Public Guardian & Trustee (OPGT), which is responsible for Mr. B's financial affairs, had mishandled the application forms. As a result of this problem, both Mr. A and Mr. B incurred unnecessary expenses.

The Ombudsman's investigation of the OPGT's records showed that an application had been made to the municipality where Mr. B lived for Ontario Works benefits and to the Ministry of Community and Social Services for benefits from the Ontario Disability Support Program (ODSP). While Mr. B began receiving Ontario Works benefits, it appeared that some medical forms had been misdirected by the Ministry and the OPGT never followed up on Mr. B's ODSP application. Further, when Mr. B moved a few months after the original applications were made, the OPGT did not submit an Ontario Works application for Mr. B in the new municipality. This left Mr. B with no income.

Seven months after the original applications, Mr. A had complained to the OPGT. He wanted to know why his brother was not receiving ODSP benefits, and was seeking reimbursement for some dental bills he had paid on his brother's behalf, which he believed would have been covered by the Ministry had Mr. B's entitlement to the ODSP been processed properly. A new application was submitted to the Ministry. However, Mr. A was unable to resolve his complaint, so he approached the Ombudsman.

As a result of the Ombudsman's intervention, the OPGT agreed to reimburse Mr. A for his expenses and to pay Mr. B the amount he would have received from the ODSP had his application been processed properly. The OPGT also advised that it was taking steps to try and ensure that the problems which occurred with Mr. B's case did not happen again.

Ontario Hydro – Homeowner Sees the Light

Ms J, a resident in a remote Northwestern community, had purchased a home. However, there was no electricity in the home as the electrical contractor was waiting for Ontario Hydro to send the paperwork indicating that the layout had been complete.

The layout had in fact been done by Ontario Hydro on the 4th of the month. It was now the 10th, and Hydro could not provide a date when the paperwork would be complete. Ms J was anxious to have this process completed because once the electrician had finished his work in the house, an inspection had to be done before the electricity could be turned on. The inspector only traveled to the community every two weeks for one day. His next visit was on the 16th of the month.

An Ombudsman Representative contacted Ontario Hydro regarding this problem and was told that in fact, the layout had been done as well as the paperwork, but that it needed to be signed off by a supervisor. The Ombudsman Representative explained the need for urgency and the next day the supervisor's approval was given and the paperwork faxed to Ms J.

Ministry of Training, Colleges and Universities – Students Receive Delayed OSAP Funding

Over 50 people attended the Ombudsman office to lodge complaints against the Ministry of Training, Colleges and Universities (the Ministry) and the Ontario Student Assistance Program (OSAP). The students complained they had endured weeks of stalling, misinformation, and confusion concerning the status of their student loans.

Ms P depends on her student loan for her living expenses. The OSAP's decision made it impossible for her to continue with her studies and to take care of her family.

The students had registered in a private college for a ten month course leading to a certificate in pharmaceutical studies. This course was offered at a tuition fee of $12,000. It was now mid-way through the first term and none of the students had received OSAP. In fact, the students were told their applications had been frozen. The students had made numerous inquiries to the Financial Aid Office at the school without success or any clarification of the problem. In addition, Ombudsman staff were told that the school itself was having trouble getting information from the Ministry and had been placed on a restricted list.

Several of the students had quit jobs in order to attend this program and others were parents with financial obligations which required immediate attention. The school itself also wanted to lodge its own complaint. School Administrators had accompanied the students to the Ombudsman's office and stated that its funding was in jeopardy because of the Ministry's refusal to process the students loan applications, and that the Ministry had wrongfully frozen it's status as a private school.

Six members of Ombudsman staff processed each of the complainants separately. Ombudsman staff met with each student to discuss their concerns about their pending application. Though each student had been able to obtain a status update on their file from the OSAP web site, many applications were listed as approved pending school approval, while others were asked for duplicate documents and were having difficulty obtaining any information from the school's Financial Aid office.

Ombudsman staff contacted the OSAP to make inquiries regarding the complaints. The OSAP staff confirmed that no information could be provided. Ombudsman staff then contacted the Ministry and were told that information concerning the status of the individual applications would be given but none of these applications could be approved while the school was on the restricted list. An Ombudsman investigator similarly was told when looking into the school's complaint, that no information could be provided but that negotiations were in progress. Since the *Ombudsman Act* does not allow for the Ombudsman to intervene when negotiations or a court application is being made, the investigation was closed.

A short time later the Ombudsman was notified that an agreement had been reached between the school and the Ministry and that all the approved applications would be processed. The separate issue concerning the school's accreditation with the Ministry was still outstanding.

OSAP – Filing Error Corrected

Ms P is a single mother. She attends school and needs child care for three of her four children. In addition to her student loan, she receives a Child Care Bursary (CCB) from Ontario Student Assistance Program (OSAP) to cover child care costs. The amount of bursary awarded is based on her estimate of what the final cost might be but at the end of the school period, she must submit within 45 days, receipts for the actual costs incurred. Failure to do so may result in being asked to repay the amount of bursary received and/or being put on the Ontario Restricted List (ORL).

Ms P stated that she submitted all her receipts within the time limit. But she received a letter from the OSAP advising that as they did not receive her receipts she must repay approximately $5000 that she received in CCB for the 1998 - 1999 school period and that the student loan and CCB funds for the school period 1999 - 2000 were frozen.

The Ombudsman Representative learned that Mr. C's correspondence had not been answered because it had been filed in error.

Ms P depends on her student loan for her living expenses. The OSAP's decision made it impossible for her to continue with her studies and to take care of her family. She (as well as the financial aid office) called and wrote to the OSAP in an attempt to resolve the matter but did not receive a response. She finally contacted our office for assistance.

An Ombudsman Representative requested that the OSAP verify the entire file starting with the first time that Ms P received a CCB/student loan. OSAP agreed to review the entire file and discovered that all the receipts had been submitted but had been filed in the wrong school period. The filing error was corrected the same day and Ms P was removed from ORL. Subsequently, her student loan and CCB funds were released.

WSIAT Apologizes for Filing Error

Mr. C approached an Ombudsman Representative at an Intake Clinic held in his northwestern Ontario community. Mr. C was concerned with the Workplace Safety and Insurance Appeals Tribunal's (WSIAT) lack of response to his correspondence.

Mr. C was representing an injured worker before the Tribunal with his appeal of a Workplace Safety and Insurance Board decision. Over the course of three months, Mr. C had written to the Tribunal on three occasions asking for information about his client's hearing. Although he finally received a copy of the Tribunal's decision, Mr. C had never received a response to his correspondence. Mr. C believed the Tribunal should have at least acknowledged receipt of his correspondence.

Through inquiries with the Tribunal the Ombudsman Representative learned that Mr. C's correspondence had not been answered because it had been filed in error. As a result of our inquiry, the Tribunal wrote to Mr. C and apologized for the error and its delay in responding to his requests.

Ministry of Correctional Services – Access to Electronically Stored Information

Mr. M, an inmate at a jail called the Ombudsman for assistance in gaining access to documents stored in his personal laptop computer, which was being kept in the Superintendent's office. The inmate stated that he was representing himself in court and needed certain files from his laptop in order to prepare his legal defence, but was being denied permission to access the documents.

An Ombudsman Representative contacted the Superintendent, who said that while her staff wanted to accommodate Mr. M's request for laptop access to his documents, there were security concerns about such access, including whether the computer files were actually relevant to Mr. M's defence, and whether the inmate could destroy any potential evidence of criminal activity stored on his computer. The Superintendent informed Ombudsman Ontario staff that Mr. M would have to obtain a court order instructing Correctional staff to allow the inmate access to the files. Although Mr. M subsequently obtained a court order, in the interim the jail had arranged to transfer the documents to a diskette, which was then given to Mr. M's relative. The relative printed and returned hard copies of the documents required to the inmate.

A 1996 directive stipulated that inmates should have access to disclosure documents and other information for the purpose of preparing for their legal defence. This directive referred to hard copy documents, but did not mention electronically-produced information. This issue was discussed with staff in the Operational Support and Standards Branch of the Ministry and the Ministry acknowledged that at the time the directive was written, the issue of inmate access to electronically-stored information might not have been contemplated. The Ministry has undertaken to research the policy and procedural implications of such technological change, and to make any necessary revisions to the existing directives.

Family Responsibility Office Apologizes for Filing Error

Ms K contacted the Ombudsman with a complaint about the Family Responsibility Office (FRO). She explained that she is a recipient of Ontario Works (OW) and her former spouse owed both her and Ontario Works $6000 each.

Ms K explained that she received a large cheque from the FRO on or about December 19th. She thought this was a lump sum arrears payment and the balance would be paid on a monthly basis. Ms K deposited the cheque into her bank account on December 21st and withdrew money to cover outstanding expenses she had incurred. On January 23 she returned to her bank to withdraw further funds only to be advised by the bank that there were no funds available in her account and she in fact owed the bank the money she had withdrawn plus overdraft charges.

Ms K called the FRO immediately and was advised that as long as she was on OW she was not entitled to any funds and there was nothing they could do for her. Ms K contacted the Ombudsman's office for assistance.

An Ombudsman Representative contacted the FRO and was advised that a cheque was issued to Ms K in error and that a stop payment order was put on it. FRO staff also advised that there was no record that Ms K had been informed by FRO staff not to cash the cheque. The Ombudsman Representative requested that given the circumstances, this matter be brought to the attention of a FRO Supervisor.

The FRO agreed to review this case, confirmed that it had been poorly handled, and that a written letter of apology would be sent to Ms K. The FRO also advised that further steps would also be taken to assist Ms K in the repayment of the overdraft so that she would not continue to be penalized by the bank. In addition, the FRO agreed to refund Ms K the overdraft charges incurred. FRO staff agreed to confirm these undertakings in writing, and a letter was forwarded to Ms K the same day.

I can't begin to express my appreciation for your help. I was at a point of giving up until you came along.

I genuinely appreciate your help. I am overwhelmingly happy about the assistance you've offered. Nothing can really compare to your help... It feels very good to know someone very kind and understanding like you.

Just a thank you for taking the time to help me out. It was greatly appreciated.

This is a little note to let you know how much I appreciate your kindness and help concerning my problem. I'm sure, without your help I would not have been able to accomplish much through this "justice system"! You were my justice.

I take this opportunity to thank you for your assistance regarding my problem with the Assessment Review Board of Ontario. As you are probably aware, they sent me a letter restoring the correct assessment decision that was made at my hearing. You accomplished in one week what I could not achieve in over ten months of letter writing.

I want to thank you for your moral support and practical help during the hearings... That was a stressful and difficult time and your encouragement meant a great deal to me... It was worth all the efforts of Ombudsman Ontario.

Thank you for the assistance provided this year. Without your help we could not have accomplished our goals alone.

I would like to express my appreciation to... I found her to be very proficient and with her assistance and knowledge of the system, my problem has been finally resolved.

Thank you so very much. You were an awesome speaker and I learned so much.

About our logo: This is the symbol for Ombudsman Ontario. The "O" stands for our name. Inside, three sets of arms are coming together: one each for the public, the government and our office.

MISSION STATEMENT

In striving to achieve our vision, Ombudsman Ontario is committed to the following goals for fairness and service:

- **Investigate and resolve complaints efficiently**
- **Deliver relevant, timely, impartial and accessible services**
- **Foster objective standards of governmental administration**
- **Act as a resource to governmental organizations and the public to prevent future complaints**
- **Increase public awareness of Ombudsman Ontario's services**
- **Be ethical and accountable**
- **Encourage teamwork through consultation and communication**
- **Monitor and evaluate our organizational performance**
- **Realize individual potential through proactive human resource practices**

Design Campbell Sheffield Design Inc Photos © Abraham Menashe

CONTACT INFORMATION

1-800-263-1830 – English

1-800-387-2620 – Français

1-416-586-3510 – TTY, hard of hearing and deaf

1-416-586-3485 – Fax

www.ombudsman.on.ca – Website

This Annual Report is available in French and alternative formats by request. For general information, or mailing address changes please call our Communications office at **416-586-3353**